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by

PATRICK J. O'DONNELL, CLERK

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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
Chairperson of Committee on Committees
Chairperson of Executive Board
Vice Chairperson 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 1, 2, 15, 16, 23 through 30, 32 through 35, and 46; two from Legislative Districts 3 through 14, 20, 31, and 45; and two from Legislative Districts 17 through 19, 21, 22, 36 through 44, and 47 through 49. Speaker is member of Board; Chairperson 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 nominated 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 or her office according to the best of his or her ability.

B. Presiding Officer

Sec. 5. President of the 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 or she 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:

Chairperson of the Legislative Council
Chairperson of Committee on Committees
Chairperson of Committee on Judiciary
Chairperson of Committee on Government, Military and Veterans Affairs
Chairperson of Committee on Appropriations
Chairperson of Committee on Revenue
Chairperson of Committee on Education
Chairperson of Committee on Banking, Commerce and Insurance
Chairperson of Committee on Public Works
Chairperson of Committee on Agriculture and Environment
Chairperson of Committee on Health and Human Services
Chairperson of Committee on Miscellaneous Subjects
Chairperson of Committee on Business and Labor
Chairperson of Committee on Urban Affairs
Chairperson of Committee on Constitutional Revision and Recreation

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer,

except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.
Addressing the chair. Rule 2, Section 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 or she 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 or she 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 house.

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, Section 3.

Sec. 12. Overrule 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.

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 or her 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 or she shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his or her office.

Distribution of material by Clerk. Rule 2, Section 3f.
Excuse attendance at committee hearing. Rule 2, Section 4.
Power to refer bill back to committee. Rule 6, Section 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. The Speaker's 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 cannot 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, Section 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, Section 3f.
Fiscal notes, attach to bills. Rule 5, Section 6d.

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.

Order of business. Rule 7, Section 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, 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 the Clerk's 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. RRS 49-1480 through 49-1492.

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 or her 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, Section 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, Section 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 and, as amended from time to time, shall govern the Legislature for a period of one year. 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, Section 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, Section 14.

(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 or during discussion of amendments or motions offered pursuant to Rule 6, Section 8.

(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 or she is a member, unless excused by the Legislature, the Speaker, or the committee chairperson. Members who have been excused by the Legislature or the Speaker shall notify their committee chairperson 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. Members who are shown as excused and not voting may have inserted into the Journal how he or she would have voted had he or she 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 or she shall rise from his or her seat and respectfully address himself or herself to "Mr. or Madame President." A member shall speak only when recognized and shall confine his or her remarks 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 or she 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 or her 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 such member to order, in which case he or she 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 or she shall be at liberty to proceed, but not otherwise, and if the case requires it, he or she 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 or her 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 or she 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 or she be the mover, proposer, or introducer of the matter pending in which case he or she 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 or she first presents the matter to the Legislature.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3--COMMITTEES

Section 1. 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. A committee's particular jurisdiction shall also include review of the budgets of agencies, boards, and commissions reasonably encompassed in its subject matter jurisdiction.

(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 Number 1 consisting of legislative districts Numbers 1 through 3, 25 through 30, 32, 45, and 46; three from District Number 2 consisting of legislative districts Numbers 4 through 14, 20, and 31; three from District Number 3 consisting of legislative districts Numbers 15 through 19, 21 through 24, 34, 35, and 40; and three from District Number 4 consisting of legislative

districts Numbers 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, Section 2(a).

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:

Agriculture	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Education	8 members
General Affairs	8 members
Government, Military and Veterans Affairs	8 members
Health and Human Services	7 members
Judiciary	8 members
Natural Resources	8 members
Revenue	8 members
Transportation	8 members
Urban Affairs	7 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 committees 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.

(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.

(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 Maintenance. RRS 81-185	6 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
Nebraska Retirement Systems. RRS 50-416	6 members
Performance Review and Audit. RRS 50-701.02	9 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 Section 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) 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. 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.

Sec. 11. 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. 12. 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. 13. 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.

Sec. 14. 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. 15. 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 transcribed, 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 a 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. 16. 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. 17. Indefinitely Postponed Bills. If the committee action 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. 18. 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. 19. 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 of the bill must concur with any motion offered under this rule.

Sec. 20. 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 a 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 subpoenas in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by a 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 a 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 15(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 a 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 which 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 a 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 RRS 50-105 and 50-106 during the session, or to RRS 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. Identification. 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, 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. Cannot appropriate funds by resolution. Const. Art. III, Sec. 25.

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

RULE 4

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

Sec. 6. Resolutions, Lay Over Requirement. Resolutions shall lay over for consideration at least one legislative day after introduction.

Sec. 7. Engrossed Resolutions. 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 Lieutenant 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 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.

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. The provisions of this section shall not apply to resolutions considered as bills pursuant to Rule 4, Section 2.

Sec. 10. Committee Statement. 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.

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) A bill shall be designated as Legislative Bill _____.

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.

(d) Appropriations bills and "A" bills shall contain the following elements:

(1) the phrase "there is hereby appropriated";

(2) a specific fund type shall be identified and the fund shall be appropriated;

(3) the amount to be appropriated from such fund shall be identified;

(4) a specific budget program or a specific statement reflecting the purpose for expending such funds shall be identified; and

(5) the time period during which such funds shall be expended shall be identified.

RRS 49-804.

Sec. 3. Revisor Correctional Bills, Preprinting. (a) Preceding each legislative session, the Chairperson 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 Chairperson 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 or her 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. (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;

3. A special committee as created by the Executive Board on December 10, 1983, regarding the Commonwealth investigation and matters related thereto, may introduce bills at any time during the course of the 1984 Legislative Session. Said bills to be introduced must receive endorsement of a majority of the committee members whose names shall appear on the bill in order to fall within the purview of this section.

(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. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) 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.

Sec. 5. 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 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 up to 25 additional 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 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.

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

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact 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 Chairperson 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. 7. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

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

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto

shall be printed and read at large before the vote is taken upon its final passage.

Const. Art. III, Sec. 14.

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

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

Salaries of employees. Rule 1, Section 22.

Sec. 11. Withdrawal of Bills. No bill, having been introduced, may be withdrawn except upon motion of the first introducer with the consent of his or her 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, Section 13.

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

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

RULE 6--BILLS--STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction, bills requiring reference shall be delivered 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 or she 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, Section 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, Section 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 or she 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 Enrollment and Review 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 indefinitely postpone before bill is read	MEM	6-3f
Move to indefinitely postpone 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)	3/5	7-7a
Move to amend	MEM	6-3h
Move to amend the amendment	MTV	
Move to withdraw bill by 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.

RULE 6

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

(a) A motion to approve or reject any or all of the changes recommended by the Chairperson 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 Enrollment and Review. If the bill is not altered, it may be advanced to Enrollment and Review 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 Enrollment and Review 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 Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific Enrollment and Review Committee amendments may be considered.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review 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**	**6-5c**
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.

(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:

RULE 6

(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 and 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, Section 3g.
No one to be seated beside member during Final Reading. Rule 2, Section 3d.

The following votes shall be required to adopt the following motions affecting bills 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**
To pass on Final Reading	**MEM**	**6-9**
With emergency clause attached	**2/3**	**6-10**
Creation of state office	**2/3**	
Const. Art. IV, Sec. 27		
Motion to reconsider (when failed on Final Reading)	**3/5**	**7-7**
Override Governor's veto	**3/5**	**6-11**
"A" bills considered		**5-6**

Sec. 9. Question on Final Reading. The question after the Final Reading of a 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 Required. 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 objections 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 objections 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 Governor's 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 IV, 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 overridden 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 overridden" and place thereon the date and his or her initials.

Sec. 14. Appropriations Bills, Procedure After Veto. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the Chairperson 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 Chairperson 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 Chairperson 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. Constitutional Amendments, Votes Required. 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?"

Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. RRS 49-236.

RULE 7--PROCEEDINGS AND MOTIONS

(A) Order of Business

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

Const. Art. III, Sec. 10.

(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, Section 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 or she 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. 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.

(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, Section 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 House. A call of the house may be made by any member in the manner following: "I move for a call of the house." 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 or her presence upon the electric roll call system and shall remain in his or her 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, Section 14.
Voice vote while house under call. Rule 7, Section 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, Section 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.

(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.

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 or recess has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn or recess is not debatable.

A motion to adjourn or recess 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, (2) restrict the growth in state appropriations, and (3) provide for the efficient and effective use of state revenue by utilizing standing committee subject matter expertise in the review of agency, board, and commission budget requests.

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 Section 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. Standing Committee Appropriations Review. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject matter jurisdiction. The chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject matter jurisdiction. It may make recommendations with regard to proposed appropriations to the Appropriations Committee.

(b) The chairperson of each committee may, when the budget review hearing on each agency, board, and commission is complete,

submit a standing committee appropriations review statement which shall contain, but need not be limited to, the following information:

(1) the identity of the agency, board, or commission budget reviewed,

(2) the date of the hearing,

(3) a list of all the individuals testifying with regard to the budget,

(4) a summary of requested and proposed changes to the original agency, board, or commission budget, and

(5) a summary and explanation of standing committee recommendations on the agency, board, or commission budget in such form as the standing committee deems appropriate.

(c) A copy of the proposed standing committee appropriations review statement shall be distributed to each committee member within five days after final committee action on the budget review hearing 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 standing committee appropriations review statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the Appropriations Bill on General File.

(d) A copy of the standing committee appropriations review statement and any minority statements submitted shall be distributed to each senator after filing one copy with the Appropriations Committee Chairperson and one with the Clerk of the Legislature. Distribution to senators shall be the responsibility of the Clerk of the Legislature.

(e) The Appropriations Committee shall review each standing committee appropriations review statement prior to final action by the Appropriations Committee and placement of the appropriations bills on General File, if such statement is received prior to final action on the permanent budget. The Appropriations Committee shall not be bound to adopt the recommendations in the standing committee appropriations review statement.

(f) The Appropriations Committee shall make available to the appropriate standing committee all currently available information at its disposal.

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 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 appropriations 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 appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations 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 appropriations bills as introduced by the Governor. The appropriations 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. The appropriation provided for in an "A" bill shall be for not less than two fiscal years.

Sec. 6. Bill, Setting Tax Rates. The Legislature's tax rate bill shall be passed no later than the 85th legislative day in a 90 day session and the 55th legislative day in a 60 day session.

RULE 9--SPECIAL SESSIONS

Section 1. Purpose. The purpose of this rule is to establish special procedures for the Legislature to utilize during a special session. This rule recognizes the necessity of the Legislature to address the business for which it is called together in an expeditious and fair fashion and provides that certain legislative procedures established for regular sessions shall not unduly burden the activities of the Legislature during a special session.

Sec. 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of two-thirds of the members of the Legislature according to the procedure established by section 50-125 or upon the call of the Governor under the authority of Article IV, section 8, of the Nebraska Constitution, the Legislature shall convene in special session. The first item of business shall be the introduction of bills and resolutions, both of which shall be numbered consecutively beginning with the number one. Bills and resolutions offered by the Speaker at the request of the Governor or offered pursuant to the statement filed with the Secretary of State and agreed to by two-thirds of the members of the Legislature shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be handled in the manner provided in this rule. Bills and resolutions shall be introduced only during the first three days of the session.

Sec. 3. Committee Hearings. Within one legislative day following the introduction of bills and resolutions, the Reference Committee shall review each bill and resolution and refer the matter to the appropriate standing committee. The committee to which the bill or resolution is referred shall provide as much public notice of the time and place of the hearing on the matter as is reasonable under the circumstances by publication in the Legislative Journal, but in no case shall the hearing be more than five calendar days after the date the bill or resolution has been referred to the committee.

Sec. 4. Report of Bill or Resolution to Legislature. The committee to which a bill or resolution has been referred shall make a report on the bill or resolution to the Legislature within twenty-four hours after the committee has taken final action on the matter. If, at the expiration of twenty-four hours from the time final action was taken, the chairperson has not reported the bill or resolution, 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 or resolution has been taken at least twenty-four hours prior to the time the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

Sec. 5. Indefinitely Postponed Bills and Resolutions. If the committee action on a bill or resolution is to postpone indefinitely, the bill shall stand indefinitely postponed, except that such bill or resolution may be placed on General File or referred back to the committee by a majority vote of the elected members. Not more than one bill or resolution shall be raised from committee on any one motion. A motion to raise shall not be amended to include any other bill, resolution, or subject matter. A motion to raise shall take precedence in order over all other motions, except a motion to adjourn.

Sec. 6. Bills and Resolutions Held by Committee. If the committee has not taken final action on a bill or resolution within two days after the committee hearing, any senator may move that the bill or resolution be placed on General File. If a majority of the elected members vote in favor of the motion, the bill shall be placed on General File.

Sec. 7. Pending Proposals Indefinitely Postponed. At the conclusion of a special session, all bills and resolutions which have not been enacted shall stand indefinitely postponed and shall not carry over to the next legislative session.

Sec. 8. Rules Controlling When Conflict Exists. When a conflict exists between the provisions of this rule and other provisions of the Rules of the Nebraska Legislature, the provisions of this rule shall apply.

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STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

Introduced in the
Ninetieth Legislature of Nebraska, First Session, 1987
and pending before the
Ninetieth Legislature of Nebraska, Second Session, 1988

GENERAL FILE: 52 68 76 88 90 95 111 113 117 122 126 128 158 158A 162 170 180 181 190 191 213 217 220 249 251 252 257 271 273 273A 283 288A 294 295 295A 301 305 305A 309 316 326 340 350 350A 351 352 362 363 369 370 372 372A 377 383 383A 393 395 402 406 417 418 419 419A 421 428 429 435 445 454 457 464 466 470 475 476 477 478 488 490 498 506 506A 517 517A 518 518A 519 520 535 537 541 542 550 551 554 557 557A 578 578A 582 588 593 594 602 606 607 625 627 628 630 632 641 646 647 647A 657 664 664A 666 670 673 673A 674 675 676 678 693 693A 697 702 703 705 707 713 716 716A 723 723A 726 726A 735 757 757A 758 761 LR7CA LR10CA LR15CA

SELECT FILE: 123 130 LR21CA 124 337A 375 384 384A 229 229A 320 184

FINAL READING: 444 684

BILLS HELD BY COMMITTEES:

Agriculture: 103 155 547
Appropriations: 38 230 391 648 686 717 762 764 770 LR1 LR22CA
Banking, Commerce and Insurance: 202 260 373 700 749
Business and Labor: none
Education: 165 232 371 644
General Affairs: 724 733
Government, Military and Veterans Affairs: 144 188 555 586 612

Health and Human Services: 195 256 259 321 410 500 534 552 556 620 668 691 694 760
Judiciary: 118 120 121 463 512 570 672 750
Natural Resources: 151 238 566 579 658 706 751 766 LR29
Nebraska Retirement Systems: 57 58 160 192 651 655
Revenue: 86 210 420 734 LR5CA LR20CA
Transportation: 299 380 503 611 654
Urban Affairs: 263 422 621

TITLES TO BILLS

LEGISLATIVE BILL 38. By Warner, 25th District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to appropriations; to authorize the Nebraska Coordinating Commission for Postsecondary Education to provide matching funds; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 52. By Haberman, 44th District.

A BILL FOR AN ACT relating to independent boards and commissions; to amend section 81-822, Reissue Revised Statutes of Nebraska, 1943; to provide for the allocation of membership dues as prescribed; and to repeal the original section.

LEGISLATIVE BILL 57. By Haberman, 44th District.

A BILL FOR AN ACT relating to retirement; to amend section 24-701, Revised Statutes Supplement, 1986; to provide for a cost-of-living adjustment for judges retirement benefits; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 58. By Haberman, 44th District.

A BILL FOR AN ACT relating to the judges retirement system; to amend section 24-710, Revised Statutes Supplement, 1986; to change monthly benefit provisions; and to repeal the original section.

LEGISLATIVE BILL 68. By Morehead, 30th District.

A BILL FOR AN ACT relating to milk; to amend section 2-3901, Revised Statutes Supplement, 1986; to change provisions relating to the regulation of milk; to redefine terms; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 76. By Remmers, 1st District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-5108, Reissue Revised Statutes of Nebraska, 1943; to authorize a licensed practical nurse to be a certified ambulance attendant; and to repeal the original section.

LEGISLATIVE BILL 86. By Pappas, 42nd District; Withem, 14th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change property tax exemptions as prescribed; to delete a requirement for pawnbrokers; and to repeal the original section, and also section 77-1220, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 88. By Landis, 46th District; Morehead, 30th District; Marsh, 29th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Rights of the Terminally Ill Act; to provide penalties; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 90. By Scofield, 49th District; Withem, 14th District; Conway, 17th District; McFarland, 28th District; Smith, 33rd District; Rupp, 22nd District; Hartnett, 45th District; Harris, 27th District; Baack, 47th District; Pappas, 42nd District; Barrett, 39th District; Higgins, 9th District; Morehead, 30th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1917, Reissue Revised Statutes of Nebraska, 1943; to state intent; to authorize the taking of videotape depositions and in camera testimony of certain children as prescribed; to define a term; to provide for rules of procedure; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 95. By Marsh, 29th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5701 to 71-5703, 71-5707, 71-5709 to 71-5711, and 71-5713, Reissue Revised Statutes of Nebraska, 1943; to change provisions of the Nebraska Clean Indoor Air Act; to define terms; to provide duties relating to public places; to provide for the development of employee smoking policies; to prohibit certain acts as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 103. By Dierks, 40th District; Rogers, 41st District; Schmit, 23rd District.

A BILL FOR AN ACT relating to livestock; to amend sections 2-3005, 2-3007, 54-1348, 54-1703, and 54-2001, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3918 and 54-1160, Revised Statutes Supplement, 1986; to adopt the State Livestock Health Act; to change provisions relating to the State Veterinarian and the Director of Agriculture; to eliminate the Bureau of Animal Industry; to harmonize provisions; and to repeal the original sections, and also sections 81-202 to 81-202.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 111. By Withem, 14th District.

A BILL FOR AN ACT relating to jury lists; to amend section 25-1628, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to lists provided by the Department of Motor Vehicles; and to repeal the original section.

LEGISLATIVE BILL 113. By Landis, 46th District; Wesely, 26th District; Marsh, 29th District; Harris, 27th District; McFarland, 28th District; Warner, 25th District.

A BILL FOR AN ACT relating to insolvent financial institutions; to amend sections 8-1,106 and 8-1,107, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the allowance and classification of claims for deposits and exchange; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 117. By Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-807 to 28-809, 28-811, and 28-813, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change penalties as prescribed; to prohibit possession of certain materials as prescribed; to require reporting of information from certain individuals; to provide penalties; to harmonize provisions; and to repeal the original sections, and also section 28-812, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 118. By Pirsch, 10th District; Landis, 46th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-919, 28-921, and 29-1301, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1986; to define terms; to prohibit the intimidation of victims and witnesses of crime and others as prescribed; to provide penalties; to

redefine an offense; to harmonize provisions; to change provisions relating to venue; and to repeal the original sections.

LEGISLATIVE BILL 120. By Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-519, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to criminal mischief; and to repeal the original section.

LEGISLATIVE BILL 121. By Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-518, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to theft; and to repeal the original section.

LEGISLATIVE BILL 122. By Pirsch, 10th District.

A BILL FOR AN ACT relating to criminal procedure; to authorize discovery by the prosecuting attorney before trial as prescribed.

LEGISLATIVE BILL 123. By Pirsch, 10th District; Hannibal, 4th District; Ashford, 6th District; Haberman, 44th District.

A BILL FOR AN ACT relating to nonprofit sports programs; to define terms; and to provide immunity from civil damages as prescribed.

LEGISLATIVE BILL 124. By R. Johnson, 34th District; Rogers, 41st District; Hefner, 19th District; Scofield, 49th District; Baack, 47th District; Elmer, 38th District; Abboud, 12th District.

A BILL FOR AN ACT relating to natural resources districts; to adopt the Grasslands Protection Act.

LEGISLATIVE BILL 126. By Wesely, 26th District.

A BILL FOR AN ACT relating to health; to state intent; to define terms; to require reports of health care providers as prescribed; to provide powers and duties.

LEGISLATIVE BILL 128. By Miller, 37th District.

A BILL FOR AN ACT relating to schools; to amend sections 2-953, 32-421.01, 79-311, 79-317, and 79-320.01, Reissue Revised Statutes

of Nebraska, 1943, and sections 32-308, 32-513, and 32-535, Revised Statutes Supplement, 1986; to provide for the appointment of county superintendents; to eliminate provisions relating to the election of county superintendents; to provide for contracts for services performed by county superintendents; and to repeal the original sections.

LEGISLATIVE BILL 130. By Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.01, Reissue Revised Statutes of Nebraska, 1943; to provide for the calculation of estimated excess funds and receipts based on a biennial budget; to eliminate definitions; and to repeal the original section.

LEGISLATIVE BILL 144. By Abboud, 12th District.

A BILL FOR AN ACT relating to state government; to adopt the Economy and Productivity in State Government Act; and to provide a termination date.

LEGISLATIVE BILL 151. By Schmit, 23rd District; Pappas, 42nd District; Labedz, 5th District.

A BILL FOR AN ACT relating to water; to amend sections 46-233.01, 46-288, 46-290 to 46-292, 46-294, 46-613.01, 46-638, and 46-677, Reissue Revised Statutes of Nebraska, 1943, and sections 2-15,117, 46-289, and 46-2,108, Revised Statutes Supplement, 1986; to state intent; to provide powers and duties for the Water Management Board; to provide for the recovery of damages; to change the use of certain funds; to provide for an application for the sale and transfer of ground water as prescribed; to provide fees; to change provisions relating to appropriations, transfers, and uses of water; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 155. By Pappas, 42nd District.

A BILL FOR AN ACT relating to aquaculture; to amend section 2-3804, Reissue Revised Statutes of Nebraska, 1943, and section 81-201, Revised Statutes Supplement, 1986; to define and redefine terms; to state intent; to require registration by persons engaged in aquaculture; to require a fee; to provide for rules and regulations; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 158. By McFarland, 28th District.

A BILL FOR AN ACT relating to education; to state intent; to establish a program for gifted students; to establish an institute; to establish a board; and to provide powers and duties.

LEGISLATIVE BILL 158A. By McFarland, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 158, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 160. By Pappas, 42nd District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1522.01 and 79-1529, Revised Statutes Supplement, 1986; to change a provision relating to the formula annuity retirement allowance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 162. By Abboud, 12th District; Ashford, 6th District.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, 1943; to increase the number of juvenile court judges as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 165. By Baack, 47th District.

A BILL FOR AN ACT relating to infants; to authorize appointment of a surrogate parent as prescribed; to provide powers and duties; and to limit liability of surrogate parents.

LEGISLATIVE BILL 170. By Wesely, 26th District; Barrett, 39th District; McFarland, 28th District; Marsh, 29th District; Lynch, 13th District.

A BILL FOR AN ACT relating to animals; to amend section 28-101, Revised Statutes Supplement, 1986; to prohibit certain acts relating to pitting an animal against another as prescribed; to define terms; to provide for duties of certain peace officers; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 180. By Wesely, 26th District.

A BILL FOR AN ACT relating to automatic dialing-announcing devices; to amend section 87-302 and 87-307 to 87-311, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to a deceptive trade practice; to redefine and define terms; to change provisions relating to permits; to change provisions relating to agreements; to prohibit sequential dialing as prescribed; to provide powers; to provide for appeals; to provide for expiration of certain permits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 181. By Schmit, 23rd District; Moore, 24th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-807, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1986; to limit access to certain materials by minors; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 184. By Warner, 25th District.

A BILL FOR AN ACT relating to law; to require that certain provisions of law be subject to appropriations as prescribed.

LEGISLATIVE BILL 188. By Scofield, 49th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1402, 49-1403, and 49-14,123, Reissue Revised Statutes of Nebraska, 1943, and section 49-1401, Revised Statutes Supplement, 1986; to state legislative findings; to require certain disclosures; to provide certain rights; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 190. By Scofield, 49th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-2050 to 71-2052, 71-6009, and 71-6038, Reissue Revised Statutes of Nebraska, 1943; to redefine care staff member; to require training in oxygen administration; and to repeal the original sections.

LEGISLATIVE BILL 191. By Pappas, 42nd District.

A BILL FOR AN ACT relating to liability; to prohibit certain settlements or releases of liability by an injured person; and to restrict

the use of certain statements as evidence in certain cases.

LEGISLATIVE BILL 192. By Pappas, 42nd District.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1007 and 16-1013, Reissue Revised Statutes of Nebraska, 1943; to permit certain police officers to receive pension benefits in a lump sum; and to repeal the original sections.

LEGISLATIVE BILL 195. By Goodrich, 20th District.

A BILL FOR AN ACT relating to mental health; to amend sections 71-5002, 71-5004, 71-5009, 71-5027, and 83-1,143.06, Reissue Revised Statutes of Nebraska, 1943; to provide for the creation of additional mental health and mental retardation regions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 202. By Harris, 27th District; Warner, 25th District; Marsh, 29th District; Wesely, 26th District; McFarland, 28th District; Landis, 46th District.

A BILL FOR AN ACT relating to corporations; to eliminate the Nebraska Depository Institution Guaranty Corporation Act; and to repeal sections 21-17,127 to 21-17,145, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 210. By Remmers, 1st District; Moore, 24th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1368 and 79-1369, Reissue Revised Statutes of Nebraska, 1943, and sections 79-490, 79-4,102, 79-4,160, and 79-12,145, Revised Statutes Supplement, 1986; to adopt the Public Education Income Tax Act; to provide operative dates; to eliminate the School Foundation and Equalization Act; to harmonize provisions; and to repeal the original sections, and also sections 79-1330, 79-1332, 79-1334 to 79-1340, and 79-1342 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1331 and 79-1332.01 to 79-1333.02, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 213. By Conway, 17th District.

A BILL FOR AN ACT relating to securities; to amend section 8-1109, Reissue Revised Statutes of Nebraska, 1943; to specify

conditions which are grounds for issuance of certain stop orders pertaining to registration statements to register securities; and to repeal the original section.

LEGISLATIVE BILL 217. By Education Committee: Withem, 14th District, Chairperson; McFarland, 28th District; V. Johnson, 8th District; Baack, 47th District; Chizek, 31st District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to provide authorization for a contingency fund to cover losses for certain school districts as prescribed.

LEGISLATIVE BILL 220. By Morehead, 30th District; Harris, 27th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-1620, Revised Statutes Supplement, 1986; to authorize optional insurance coverage as prescribed; and to repeal the original section.

LEGISLATIVE BILL 229. By Wesely, 26th District; V. Johnson, 8th District.

A BILL FOR AN ACT relating to maternal and infant care; to state intent; to provide for funding of certain maternal and infant care; to establish a high-risk pregnancy support program; to define a term; to provide powers and duties; to create funds; to provide for rules and regulations; to create a committee; and to provide an operative date.

LEGISLATIVE BILL 229A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 229, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 230. By V. Johnson, 8th District; Hall, 7th District.

A BILL FOR AN ACT relating to funds; to amend section 39-2215, Revised Statutes Supplement, 1986; to create a fund; to change provisions relating to transfers from the Highway Trust Fund; to provide duties; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 232. By Schmit, 23rd District; Warner, 25th

District.

A BILL FOR AN ACT relating to schools; to amend sections 79-2820 to 79-2821, Revised Statutes Supplement, 1986; to change provisions relating to private vocational educational institutions; to authorize the granting of certain degrees, diplomas, and certificates as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 238. By Schmit, 23rd District.

A BILL FOR AN ACT relating to electric companies; to amend section 70-408, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to charges for electrical energy as prescribed; and to repeal the original section.

LEGISLATIVE BILL 249. By Withem, 14th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2023, Reissue Revised Statutes of Nebraska, 1943; to require the disclosure of all owners, partners, board members, and persons with financial interests in certain health care institutions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 251. By Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend section 32-445.01, Reissue Revised Statutes of Nebraska, 1943; to change the hours of polls; and to repeal the original section.

LEGISLATIVE BILL 252. By Barrett, 39th District.

A BILL FOR AN ACT relating to claims against the state; to amend sections 77-2205, 81-8,209, 81-8,210, 81-8,213 to 81-8,215, 81-8,216 to 81-8,218, 81-8,220 to 81-8,223, 81-8,225, 81-8,226, 81-8,228 to 81-8,232, 81-8,236, and 84-309, Reissue Revised Statutes of Nebraska, 1943, and sections 25-213, 81-8,211, 81-8,212, 81-8,215.01, 81-8,219, 81-8,224, 81-8,227, 81-8,239, and 81-8,239.03, Revised Statutes Supplement, 1986; to change internal references; to change provisions relating to actions and claims against the State of Nebraska; to change an appeal procedure; to eliminate an obsolete provision; and to repeal the original sections, and also sections 81-8,234 and 84-310, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 256. By Wesely, 26th District.

A BILL FOR AN ACT relating to health care; to adopt the Nebraska Health Care Information Act; and to provide severability.

LEGISLATIVE BILL 257. By Wesely, 26th District.

A BILL FOR AN ACT relating to mental health commitment and release; to amend sections 83-1020, 83-1028, and 83-1039, Reissue Revised Statutes of Nebraska, 1943; to provide that a mentally ill dangerous person can not be placed in jail pending commitment; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 259. By Morehead, 30th District.

A BILL FOR AN ACT relating to intermediate care facilities for the mentally retarded; to amend sections 71-2017.01 and 71-2041.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions concerning when references to such facilities will be void; and to repeal the original sections, and also section 71-2017.05, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 260. By Pappas, 42nd District.

A BILL FOR AN ACT relating to group insurance; to amend section 44-1620, Revised Statutes Supplement, 1986; to provide optional health insurance coverage for certain state employees; and to repeal the original section.

LEGISLATIVE BILL 263. By Conway, 17th District; Lynch, 13th District.

A BILL FOR AN ACT relating to zoning changes; to amend sections 14-418 and 16-901, Reissue Revised Statutes of Nebraska, 1943, and section 15-902, Revised Statutes Supplement, 1986; to restrict zoning changes as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 271. By Chizek, 31st District; Pirsch, 10th District; Lynch, 13th District; Conway, 17th District.

A BILL FOR AN ACT relating to the Jail Standards Board; to amend sections 83-4,124, 83-4,126 to 83-4,128, and 83-4,131 to 83-4,134, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to standards for criminal detention facilities implemented by the board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 273. By Pirsch, 10th District; Marsh, 29th District; Chizek, 31st District.

A BILL FOR AN ACT relating to drugs and narcotics; to amend sections 27-504, 28-401, 28-411, 28-414, 28-417, 28-418, and 71-148, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to the physician-patient privilege; to provide immunity as prescribed; to redefine a term; to change provisions relating to records for certain drugs; to change provisions relating to prescription requirements; to change provisions relating to certain unlawful acts; to make certain acts relating to drugs illegal; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 273A. By Pirsch, 10th District; Marsh, 29th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 273, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 283. By Withem, 14th District; Chizek, 31st District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1335, 79-1336, 79-1343, and 79-1344, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the requirements for equalization aid; to change provisions relating to funds received by schools from the School Foundation and Equalization Fund; to eliminate a provision relating to foundation and incentive aid; and to repeal the original sections, and also section 79-1344.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 288A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 288, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

LEGISLATIVE BILL 294. By Revenue Committee: V. Johnson, 8th District, Chairperson; Miller, 37th District; Peterson, 21st District; Landis, 46th District; Hartnett, 45th District; Rogers, 41st District; Hefner, 19th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend

sections 77-2701, 77-2715, 77-2721, 77-2730, 77-2732, 77-2733, 77-2734.02, 77-2762, 77-2766, 77-2775, and 77-2786, Reissue Revised Statutes of Nebraska, 1943; to change the rate and method of determining individual and corporate income tax as prescribed; to harmonize provisions; to eliminate provisions relating to individual income tax calculations; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also sections 77-2701.01 and 77-2719, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 295. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to gambling; to amend sections 9-201, 9-203, 9-211, 9-214, 9-216, 9-218, 9-222, 9-226 to 9-231, 9-233, 9-234, 9-239, 9-241, 9-244, 9-246, 9-247, 9-253, 9-254, 9-257 to 9-259, 9-261, 9-262, 9-301, 9-303, 9-309, 9-316, 9-320, 9-322 to 9-325, 9-328, 9-329, 9-331 to 9-333, 9-335, 9-336, 9-338, 9-340, 9-342, 9-343, 9-346, 9-348, 9-349, 9-352, 9-401, 9-408, 9-411, 9-415, 9-418, 9-419 to 9-422, 9-425 to 9-428, 9-431, 9-434, 9-504, and 9-601, Revised Statutes Supplement, 1986; to define and redefine terms; to provide powers and duties for the Department of Revenue; to eliminate provisions relating to rehearing procedures; to provide hearing procedures; to eliminate local taxing authority; to change the state tax rate on gambling; to require licenses relating to gambling premises; to provide limits on certain prizes as prescribed; to require certain accounting procedures and reports; to require confidentiality of reports and information; to provide penalties; to require pickle card operators licenses; to prohibit certain conflicts of interest; to change provisions relating to permits for special lotteries and raffles; to eliminate a definition; to provide operative dates; to repeal the original sections, and also section 9-224, Revised Statutes Supplement, 1986; and to declare an emergency.

LEGISLATIVE BILL 295A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 295, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

LEGISLATIVE BILL 299. By Peterson, 21st District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-1010, Reissue Revised Statutes of Nebraska, 1943; to provide an exception for the placement of certain mail boxes and mail box supports; and to repeal the original section.

LEGISLATIVE BILL 301. By Conway, 17th District.

A BILL FOR AN ACT relating to adoption; to authorize agreements relating to the exchange of information in certain adoptions; and to provide powers and duties.

LEGISLATIVE BILL 305. By Hartnett, 45th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-110, 60-111, 60-112, 60-113, 60-315, 60-318, 60-344, 77-1238, 77-1240, 77-1240.01, 77-1240.03, 77-1241.09, and 77-2703, Reissue Revised Statutes of Nebraska, 1943, and sections 60-106, 60-115, and 60-302, Revised Statutes Supplement, 1986; to change provisions relating to application for certificates of title as prescribed; to provide duties for the Department of Motor Vehicles as prescribed; to create a fund; to harmonize provisions; to eliminate and change provisions relating to the taxation of certain fleet vehicles; to provide an operative date; and to repeal the original sections, and also sections 77-1241 and 77-1241.02 to 77-1241.04 and 77-1241.06 to 77-1241.08, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 305A. By Hartnett, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 309. By Wesely, 26th District.

A BILL FOR AN ACT relating to trade secrets; to adopt the Trade Secrets Act.

LEGISLATIVE BILL 316. By Wesely, 26th District; Marsh, 29th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,180, Revised Statutes Supplement, 1986; to change provisions relating to student discipline; and to repeal the original section.

LEGISLATIVE BILL 320. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-5009, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to funding of certain programs,

services, and facilities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 321. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Residential and Community Living Mental Health Services Incentive Act.

LEGISLATIVE BILL 326. By Lamb, 43rd District; R. Johnson, 34th District; Dierks, 40th District; Moore, 24th District.

A BILL FOR AN ACT relating to schools; to eliminate restrictions on the creation of new school districts; and to repeal sections 79-102.01 and 79-102.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 337A. By Pappas, 42nd District; Johanns, 27th District.

A BILL FOR AN ACT relating to trade secrets; to adopt the Trade Secrets Act.

LEGISLATIVE BILL 340. By Pappas, 42nd District.

A BILL FOR AN ACT relating to Nebraska Visitors Development Act; to amend section 81-1258, Reissue Revised Statutes of Nebraska, 1943; to provide for the use of the proceeds of occupancy taxes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 350. By Lynch, 13th District.

A BILL FOR AN ACT relating to prescription drugs; to adopt the Mail Service Prescription Drug Act; and to provide severability.

LEGISLATIVE BILL 350A. By Lynch, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 350, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 351. By Lynch, 13th District.

A BILL FOR AN ACT relating to city planning; to amend sections 14-373, 14-401, and 14-403, Reissue Revised Statutes of Nebraska, 1943, and section 14-402, Revised Statutes Supplement, 1986; to

restrict development of certain areas as prescribed; to provide factors to determine areas that are environmentally sensitive; to provide powers and duties to city councils relating to zoning; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 352. By Abboud, 12th District; Landis, 46th District; Ashford, 6th District.

A BILL FOR AN ACT relating to administrative procedures; to amend sections 1-149, 2-960, 2-1035, 2-1822, 2-2433, 2-3107, 2-3204, 3-140, 3-405, 8-1013, 8-1119, 20-142, 21-1983, 24-313, 25-1937, 28-433, 31-1022, 32-706, 32-707, 39-2111, 39-2121, 43-666, 43-707, 44-111.01, 44-127.09, 44-127.10, 44-127.19, 44-133, 44-134, 44-222.02, 44-224.09, 44-238, 44-352, 44-360, 44-367, 44-368, 44-386.07, 44-511, 44-512, 44-626, 44-711, 44-751, 44-752, 44-766, 44-1212, 44-1441, 44-1485, 44-1530, 44-1531, 44-1713, 44-2312, 44-2851, 44-2913, 44-3010, 44-3278, 44-3283, 44-3720, 44-4027, 45-150, 45-350, 45-605, 45-616, 46-236, 46-528, 46-669, 46-685, 46-805, 48-416, 48-641, 48-644, 48-1120, 49-14,131, 54-1170, 54-1706, 54-1707, 54-1905, 57-605, 57-913, 59-1516, 60-409.11, 60-420, 60-503, 60-1415, 60-1435, 68-1034, 69-1320, 70-806, 70-807, 71-159, 71-161.07, 71-161.16, 71-1,104.05, 71-1,107.23, 71-1,147.12, 71-1,147.31, 71-1,165, 71-235, 71-1335, 71-1567, 71-1725, 71-1761, 71-1916, 71-2027, 71-2045.02, 71-2506, 71-2719, 71-2817, 71-3211, 71-3505, 71-3507, 71-4609, 71-4626, 71-4630, 71-4631, 71-4712, 71-5113, 71-5303, 71-5517, 71-5866, 71-5907, 71-6031, 71-6310, 71-6314, 72-224.03, 72-240.19, 76-552, 76-908, 76-1212, 77-202.07, 77-378, 77-393, 77-425, 77-612, 77-911, 77-1239.01, 77-1301.16, 77-1775, 77-2407, 77-27,127, 77-27,153, 77-27,170, 77-27,182, 79-1544, 79-2838, 81-502.04, 81-829.43, 81-885.30, 81-8,139.01, 81-8,285, 81-1319, 81-1509, 81-1513, 81-1931, 83-374, 83-4,109, 83-1131, 83-1133, and 84-919, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3938, 8-1,135, 8-1506, 9-229, 9-325, 9-421, 21-328, 44-10,107, 44-2406, 44-2710, 44-3110, 46-674.15, 46-1146, 46-1237, 48-638, 48-640, 48-650, 48-660.01, 53-1,116, 54-861, 60-124, 81-8,202, 81-15,107, 81-15,112, 81-15,122, 81-1832, 83-109, and 84-917, Revised Statutes Supplement, 1986; to change procedures for appeals from agencies; to harmonize provisions; and to repeal the original sections, and also sections 44-127.11, 45-151, 45-152, 71-161, 77-394, and 79-2839 to 79-2840, Reissue Revised Statutes of Nebraska, 1943, and section 48-639, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 362. By Chizek, 31st District; Korshoj, 16th District.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1410, Reissue Revised Statutes of Nebraska, 1943; to change training center admission requirements; and to repeal the original section.

LEGISLATIVE BILL 363. By Landis, 46th District; Ashford, 6th District; Conway, 17th District.

A BILL FOR AN ACT relating to civil procedure; to provide for the granting or denying of motions for new trials on the issue of damages as prescribed.

LEGISLATIVE BILL 369. By Urban Affairs Committee: Hartnett, 45th District, Chairperson; Smith, 33rd District; Hall, 7th District; Landis, 46th District; Labedz, 5th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-366, Reissue Revised Statutes of Nebraska, 1943; to permit certain cities to provide replacement property in eminent domain cases; and to repeal the original section.

LEGISLATIVE BILL 370. By Conway, 17th District.

A BILL FOR AN ACT relating to courts; to amend sections 24-530 to 24-532, 29-424, 29-2206, 29-2702, 29-2708, 29-2709, 77-2326.01 to 77-2326.04, and 77-2326.07 to 77-2326.09, Reissue Revised Statutes of Nebraska, 1943, and sections 24-532.01, 29-2412, and 33-126.05, Revised Statutes Supplement, 1986; to authorize the use of credit cards for money due the county courts; to change provisions relating to the handling of money received by and due certain courts; to change provisions relating to citations; to authorize the payment of costs in installments; to provide a fee; to change a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 371. By Conway, 17th District.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Work-Study Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 372. By Conway, 17th District.

A BILL FOR AN ACT relating to adoption; to amend sections 43-107, 43-119, 43-129, and 71-626.01, Reissue Revised Statutes of Nebraska, 1943, and sections 43-109 and 43-113, Revised Statutes

Supplement, 1986; to provide duties; to require medical histories as prescribed; to provide certain forms; to provide access to certain information as prescribed; to provide procedures; to correct an internal reference; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 372A. By Conway, 17th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 372, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 373. By Schmit, 23rd District; Pappas, 42nd District.

A BILL FOR AN ACT relating to insurance guaranty associations; to amend sections 44-2401, 44-2403, and 44-2410, Reissue Revised Statutes of Nebraska, 1943, and sections 44-2404, 44-2406, and 44-2407, Revised Statutes Supplement, 1986; to state intent; to define and redefine terms; to provide for payment of certain claims; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 375. By Harris, 27th District; Schmit, 23rd District; Morehead, 30th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-902, Reissue Revised Statutes of Nebraska, 1943, and section 8-903, Revised Statutes Supplement, 1986; to define terms; to change provisions relating to bank holding companies as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 377. By Hall, 7th District.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-669.07 and 39-669.08, Revised Statutes Supplement, 1986; to change provisions relating to driving while intoxicated and implied consent; to change the method of determining penalties as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 380. By Schmit, 23rd District.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109, 75-128, 75-604, and 75-609, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide for certain exchange services as prescribed; to provide powers and duties

for the Public Service Commission; to provide for classification of certain telecommunications services; to exempt certain activities from regulation; to provide for discontinuation of services; to require a report; to change a provision relating to a hearing; to provide for rate regulation; to eliminate provisions relating to regulation of telecommunications companies; to provide severability; to repeal the original sections, and also sections 86-801 to 86-811, Revised Statutes Supplement, 1986; and to declare an emergency.

LEGISLATIVE BILL 383. By Health and Human Services Committee: Wesely, 26th District, Chairperson; Lynch, 13th District; Morehead, 30th District; Schellpeper, 18th District; Pappas, 42nd District; Goodrich, 20th District; Beyer, 3rd District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5301 to 71-5303, 71-5306, 71-5309, 71-5310, and 71-5313, Reissue Revised Statutes of Nebraska, 1943; to change provisions of the Nebraska Safe Drinking Water Act; to define a term; to prohibit the use of certain materials in public water systems as prescribed; to provide exceptions; to authorize testing of water supplies; to provide powers and duties; to provide a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 383A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 383, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 384. By Health and Human Services Committee: Wesely, 26th District, Chairperson; Lynch, 13th District; Schellpeper, 18th District; Pappas, 42nd District; Goodrich, 20th District; Beyer, 3rd District; Morehead, 30th District.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend section 71-6230, Reissue Revised Statutes of Nebraska, 1943; to extend the termination date of such act; and to repeal the original section.

LEGISLATIVE BILL 384A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 384, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 391. By Scofield, 49th District.

A BILL FOR AN ACT relating to disasters; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and section 81-829.42, Revised Statutes Supplement, 1986; to create a fund; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 393. By Rogers, 41st District.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-404, Uniform Commercial Code; to provide for substitution of collateral as prescribed; and to repeal the original section.

LEGISLATIVE BILL 395. By General Affairs Committee: Morehead, 30th District, Chairperson; Elmer, 38th District; Higgins, 9th District; Weihing, 48th District; Smith, 33rd District; Hartnett, 45th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-102, Revised Statutes Supplement, 1986; to require supervision of the sale, service, and consumption of alcoholic liquors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 402. By Schmit, 23rd District; Wehrbein, 2nd District; Remmers, 1st District.

A BILL FOR AN ACT relating to health education; to amend section 79-1270, Revised Statutes Supplement, 1986; to provide criteria for drug education courses; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 406. By Scofield, 49th District.

A BILL FOR AN ACT relating to liability; to amend section 27-504, Reissue Revised Statutes of Nebraska, 1943; to define a term; to limit the liability of service providers as prescribed; to specify when a duty exists; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 410. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5801, 71-5834, 71-5836, 71-5838, 71-5842, 71-5844, 71-5844.01, 71-5849, 71-5858, 71-5859, and 71-5867, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to

certificate of need; to change duties of the Department of Health and a committee as prescribed; to harmonize provisions; to change review procedures; to change a committee membership requirement; to eliminate provisions relating to certain public meetings and public hearings; to eliminate certain duties of a review committee; to eliminate an appeal panel; and to repeal the original sections, and also sections 71-5860 to 71-5866, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 417. By Withem, 14th District.

A BILL FOR AN ACT relating to school districts; to amend section 79-408, Reissue Revised Statutes of Nebraska, 1943, and sections 79-420 and 79-1247.02, Revised Statutes Supplement, 1986; to change provisions relating to annexation; to require an annual report of certain waivers of dissolution; to require accreditation as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 418. By Withem, 14th District; Lynch, 13th District.

A BILL FOR AN ACT relating to medical assistance; to amend sections 28-705, 28-706, 68-150, 68-214, 68-716, 68-1026, and 68-1509, Reissue Revised Statutes of Nebraska, 1943; to define terms; to authorize reservation of income for a spouse; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 419. By Withem, 14th District; Lynch, 13th District; Chizek, 31st District.

A BILL FOR AN ACT relating to medical assistance; to amend sections 28-705, 28-706, 68-150, 68-214, 68-716, 68-1026, and 68-1509, Reissue Revised Statutes of Nebraska, 1943; to define terms; to authorize reservation of assets for a spouse; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 419A. By Withem, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 419, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 420. By Abboud, 12th District; Pappas, 42nd District; Ashford, 6th District; Hefner, 19th District; Elmer, 38th

District; Peterson, 21st District; Wehrbein, 2nd District; Hannibal, 4th District; Warner, 25th District; Hartnett, 45th District; Weihing, 48th District; Conway, 17th District; Baack, 47th District; Moore, 24th District; Langford, 36th District.

A BILL FOR AN ACT relating to taxation; to adopt the Tax Delinquency Amnesty Act; and to repeal section 77-362.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 421. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1213, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to Nebraska-bred horses; to increase a limit on a fee; and to repeal the original section.

LEGISLATIVE BILL 422. By Lynch, 13th District; Conway, 17th District.

A BILL FOR AN ACT relating to zoning; to amend sections 14-418, 14-419, 15-905, 16-901, 18-1306, 23-114, and 23-373, Reissue Revised Statutes of Nebraska, 1943, and section 15-902, Revised Statutes Supplement, 1986; to limit the zoning jurisdiction of cities and villages as prescribed; to expand the zoning jurisdiction of counties as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 428. By Lynch, 13th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-669.26, Reissue Revised Statutes of Nebraska, 1943; to require the wearing of a protective helmet as prescribed; to provide duties for the Department of Motor Vehicles; to provide for enforcement; to change provisions relating to a point system; and to repeal the original section.

LEGISLATIVE BILL 429. By Lynch, 13th District.

A BILL FOR AN ACT relating to construction; to amend section 39-810, Reissue Revised Statutes of Nebraska, 1943, and section 81-855, Revised Statutes Supplement, 1986; to change a provision relating to the letting of certain county construction contracts; to change a provision relating to the supervision of construction by an architect or engineer as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 435. By Rogers, 41st District; Baack, 47th

District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,154, Revised Statutes Supplement, 1986; to provide for the refinancing of certain agreements without elections; and to repeal the original section.

LEGISLATIVE BILL 444. By Withem, 14th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-426.05, 79-426.08, 79-426.13, 79-426.15, 79-426.16, and 79-1002, Reissue Revised Statutes of Nebraska, 1943, and sections 79-402 and 79-402.06, Revised Statutes Supplement, 1986; to change approval requirements for creation and change of boundaries of school districts; to change membership and voting provisions for county committees for the reorganization of school districts; to eliminate merger provisions and provide for reorganization for school districts within cities of the metropolitan class; to change provisions relating to plans of reorganization; to change provisions relating to the special election for the plan of school reorganization; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 445. By Schmit, 23rd District.

A BILL FOR AN ACT relating to chemigation; to amend section 46-1128, Revised Statutes Supplement, 1986; to eliminate a power relating to certain training sessions; and to repeal the original section.

LEGISLATIVE BILL 454. By Banking, Commerce and Insurance Committee: Remmers, 1st District, Chairperson; Haberman, 44th District; Pappas, 42nd District; Harris, 27th District; Lynch, 13th District; Conway, 17th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-101, 8-902, 8-1201, and 8-1202, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to provide a restriction on bank holding companies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 457. By Schmit, 23rd District; Hefner, 19th District; Moore, 24th District.

A BILL FOR AN ACT relating to highways; to amend sections 39-2201, 39-2203, and 39-2222 to 39-2224, Reissue Revised Statutes of Nebraska, 1943; to provide for the issuance of additional bonds;

to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 463. By Wesely, 26th District; Marsh, 29th District; Smith, 33rd District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-710 to 28-713, 28-715, 28-726, 71-2052, and 71-6039, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1986; to adopt the Adult Protective Service Act; to provide a penalty; to eliminate a penalty; to harmonize provisions; to repeal the original sections, and also section 28-708, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 464. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to bingo; to amend section 9-239, Revised Statutes Supplement, 1986; to change the rate of taxation as prescribed; to eliminate a tax imposed by municipalities; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 466. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-104, 68-126, and 77-1601, Reissue Revised Statutes of Nebraska, 1943; to authorize the county board to contract for medical services as prescribed; to require the county to be responsible for payment of medical services provided to the poor; to provide for state contribution to the county for payment of medical services to the poor; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 470. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943; to change the distribution of certain tax proceeds as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 475. By V. Johnson, 8th District; Ashford, 6th District.

A BILL FOR AN ACT relating to power of attorneys and other forms; to adopt the Nebraska Short Form Act; to define terms; and

to provide for certain standard forms and expressions.

LEGISLATIVE BILL 476. By Moore, 24th District.

A BILL FOR AN ACT relating to peace officers; to prohibit a quota on citations and other memorandums as prescribed.

LEGISLATIVE BILL 477. By Withem, 14th District.

A BILL FOR AN ACT relating to the register of deeds; to provide a requirement for instruments recorded with the register of deeds; to provide powers and fees; and to provide an operative date.

LEGISLATIVE BILL 478. By Withem, 14th District.

A BILL FOR AN ACT relating to grand juries; to amend section 29-1401.01, Reissue Revised Statutes of Nebraska, 1943; to require printed names on grand jury petitions; and to repeal the original section.

LEGISLATIVE BILL 488. By L. Johnson, 15th District; Hannibal, 4th District; Goodrich, 20th District; Labedz, 5th District.

A BILL FOR AN ACT relating to financial institutions; to state legislative findings; to provide for the deposit of funds of the state and political subdivisions in certain financial institutions; and to provide severability.

LEGISLATIVE BILL 490. By Landis, 46th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-124.11, Reissue Revised Statutes of Nebraska, 1943, and section 53-103, Revised Statutes Supplement, 1986; to authorize catering by retail licensees as prescribed; to provide notice; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 498. By Haberman, 44th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-379 and 44-1525, Revised Statutes Supplement, 1986; to provide for cancellation of certain insurance policies if loss of reinsurance affects the insurer as prescribed; to provide for notice prior to renewal of certain policies as prescribed; to declare certain acts to be unfair competition and trade practices; and to repeal the original sections.

LEGISLATIVE BILL 500. By Wesely, 26th District.

A BILL FOR AN ACT relating to paupers and public assistance; to adopt the State Assistance for the Medically Indigent Act.

LEGISLATIVE BILL 503. By Beyer, 3rd District.

A BILL FOR AN ACT relating to motor vehicles; to adopt the Vehicle Inspection Act.

LEGISLATIVE BILL 506. By Health and Human Services Committee: Wesely, 26th District, Chairperson; Schellpeper, 18th District; Lynch, 13th District; Morehead, 30th District; Beyer, 3rd District; Pappas, 42nd District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Community Public Health Services Act.

LEGISLATIVE BILL 506A. By Lynch, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 506, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 512. By Lynch, 13th District.

A BILL FOR AN ACT relating to crimes and punishments; to eliminate provisions relating to the illegal solicitation of funds; and to repeal sections 28-1440 to 28-1449, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 517. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to public health and welfare; to state intent; to define terms; to establish the Adolescent Pregnancy Prevention and Services Program; to create a board; to provide for grants and the use of such grants; to require schools to provide certain programs and services; to create an advisory committee; and to provide duties.

LEGISLATIVE BILL 517A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 517, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 518. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to infants; to amend section 43-512, Revised Statutes Supplement, 1986; to increase aid to dependent children as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 518A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 518, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 519. By Wesely, 26th District; Chizek, 31st District; Ashford, 6th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to labor; to amend section 48-816, Revised Statutes Supplement, 1986; to change a provision relating to membership in a bargaining unit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 520. By McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-402.09, 79-426.19, 79-511, and 79-12,104, Reissue Revised Statutes of Nebraska, 1943, and section 79-12,105, Revised Statutes Supplement, 1986; to require organization of reorganized and new school districts as prescribed; to redefine a term; to change a provision relating to termination of contracts by reorganized school districts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 534. By Smith, 33rd District; Lynch, 13th District; Pappas, 42nd District; Rupp, 22nd District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Ionizing Radiation Licensing Act; and to provide severability.

LEGISLATIVE BILL 535. By Pirsch, 10th District.

A BILL FOR AN ACT relating to crime victims and witnesses; to amend sections 23-1201, 29-119, 29-1901, and 81-1848, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to

consultations regarding plea agreements; to change provisions relating to writs of subpoena and notices to appear; to provide additional rights for victims and witnesses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 537. By Dierks, 40th District; Rupp, 22nd District; Conway, 17th District; Remmers, 1st District.

A BILL FOR AN ACT relating to drugs and narcotics; to amend section 28-401, Reissue Revised Statutes of Nebraska, 1943; to define controlled substance analogue; and to repeal the original section.

LEGISLATIVE BILL 541. By Hall, 7th District.

A BILL FOR AN ACT relating to drainage districts; to amend section 31-409, Reissue Revised Statutes of Nebraska, 1943; to provide for elections of a new board of directors upon petition; and to repeal the original section.

LEGISLATIVE BILL 542. By Pappas, 42nd District.

A BILL FOR AN ACT relating to infants; to amend section 43-512, Revised Statutes Supplement, 1986; to increase aid to dependent children as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 547. By Conway, 17th District; Baack, 47th District.

A BILL FOR AN ACT relating to corporations; to restrict corporate ownership of farm or ranching operations; and to provide an operative date.

LEGISLATIVE BILL 550. By General Affairs Committee: Morehead, 30th District, Chairperson; Hartnett, 45th District; Smith, 33rd District; Miller, 37th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to liquors; to amend sections 53-131, 53-133, 53-134, and 53-160, Revised Statutes Supplement, 1986; to provide a power to the Nebraska Liquor Control Commission as prescribed; to authorize an increase in an occupation tax as prescribed; to change a hearing date requirement; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 551. By Goodrich, 20th District; Hartnett,

45th District.

A BILL FOR AN ACT relating to school retirement; to amend section 79-1501, Revised Statutes Supplement, 1986; to provide credit for prior service for certain members as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 552. By V. Johnson, 8th District; Marsh, 29th District.

A BILL FOR AN ACT relating to dentistry; to amend sections 71-101 and 71-183.02, Reissue Revised Statutes of Nebraska, 1943; to provide for the delegation of duties to dental assistants; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 554. By Pirsch, 10th District; Warner, 25th District.

A BILL FOR AN ACT relating to fees; to amend section 33-139.01, Revised Statutes Supplement, 1986; to change a provision relating to witness fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 555. By Conway, 17th District.

A BILL FOR AN ACT relating to the Nebraska Accountability and Disclosure Commission; to amend sections 49-1447, 49-1449, 49-1450, 49-1462, 49-1484, 49-14,118, and 49-14,123, Reissue Revised Statutes of Nebraska, 1943; to eliminate the commissions enforcement duties as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 49-1446.03, 49-1451, 49-1463, and 49-14,124 to 49-14,126, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 556. By Miller, 37th District; Morehead, 30th District; Lynch, 13th District.

A BILL FOR AN ACT relating to persons with mental retardation; to state intent; to define terms; to provide a duty for certain facilities contingent upon certain transfers; to provide notice as prescribed; to authorize certain contracts as prescribed; to provide duties relating to certain contracts; to provide that federal funding may replace state funding; to provide the number of transfers which can be authorized; to provide duties for the Department of Social Services; to provide the dates for transfers; to provide duties for providers; to require

budgets and payments to conform with a certain model; to provide a reclassification of funds as prescribed; to require the Director of Public Institutions to take certain actions relating to funding; to require a report; to provide for rules and regulations; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 557. By Hall, 7th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-101, 71-102, 71-107, 71-110, 71-112, 71-113, 71-131, 71-148, and 71-162, Reissue Revised Statutes of Nebraska, 1943, and section 33-150, Revised Statutes Supplement, 1986; to state intent; to define terms; to provide for the certification of nutritionists; to create a fund; to create a board; to require fees; to provide continuing education requirements; to provide powers and duties for the Department of Health; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 557A. By Hall, 7th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 557, Ninetieth Legislature, First Session, 1987; and to provide for the transfer of funds.

LEGISLATIVE BILL 566. By Schmit, 23rd District.

A BILL FOR AN ACT relating to water; to amend section 46-236, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1503.01, 2-1587, and 2-15,117, Revised Statutes Supplement, 1986; to provide water use fees; to create funds; to provide for distribution of the fees; to provide for water quality monitoring; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 570. By Judiciary Committee: Chizek, 31st District, Chairperson; Pirsch, 10th District; Ashford, 6th District; Nelson, 35th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to support; to amend sections 43-512.03, 43-512.07, 43-1701, 43-1718 to 43-1720, 43-1723, 43-1727, and 43-1734, Revised Statutes Supplement, 1986; to provide duties for county attorneys and authorized attorneys; to change provisions relating to the assignment of support rights as a result of aid to dependent children payments; to change provisions relating to income withholding for child support; to provide a penalty; to authorize the release of information regarding delinquent support; to harmonize

provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 578. By Haberman, 44th District.

A BILL FOR AN ACT relating to the school retirement system; to amend sections 79-1522.01 and 79-1531, Revised Statutes Supplement, 1986; to change provisions relating to funds and transfer of funds as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 578A. By Haberman, 44th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 578, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 579. By Weihing, 48th District.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-671, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to liability; to provide for an offset; and to repeal the original section.

LEGISLATIVE BILL 582. By Lynch, 13th District; Ashford, 6th District.

A BILL FOR AN ACT relating to employment; to state intent; to define a term; and to provide requirements relating to the conducting of chemical tests on employees.

LEGISLATIVE BILL 586. By Withem, 14th District.

A BILL FOR AN ACT relating to county government; to provide for a system of personnel administration in certain counties; to define terms; to establish a personnel office and board; to provide powers and duties; to provide for rules and regulations; to provide for certain agreements; to provide for a preference; to provide for tenure; to prohibit certain acts; and to provide a penalty.

LEGISLATIVE BILL 588. By Withem, 14th District.

A BILL FOR AN ACT relating to elections; to provide for selection of delegates to county conventions by precinct caucus.

LEGISLATIVE BILL 593. By Lamb, 43rd District.

A BILL FOR AN ACT relating to cable television; to permit certain municipalities to own, operate, or lease a cable television system.

LEGISLATIVE BILL 594. By Lamb, 43rd District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4603, 2-4605, 2-4608, 2-4610, and 2-4612, Revised Statutes Supplement, 1986; to redefine a term; to change provisions relating to erosion and sediment control; to provide powers and duties; to authorize the use of certain practices as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 602. By Abboud, 12th District.

A BILL FOR AN ACT relating to purchasing; to amend sections 23-3104 and 23-3105, Revised Statutes Supplement, 1986; to redefine terms; to change a provision relating to the employment of a purchasing agent as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 606. By Ashford, 6th District.

A BILL FOR AN ACT relating to crimes and penalties; to amend section 28-511, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to theft; and to repeal the original section.

LEGISLATIVE BILL 607. By Hartnett, 45th District.

A BILL FOR AN ACT relating to fire companies and firefighters; to amend section 35-108, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to group life insurance; and to repeal the original section.

LEGISLATIVE BILL 611. By Pappas, 42nd District.

A BILL FOR AN ACT relating to railroads; to adopt the Railroad Inspection Act.

LEGISLATIVE BILL 612. By Pappas, 42nd District.

A BILL FOR AN ACT relating to human burial sites; to adopt the Unmarked Human Burial and Skeletal Remains Protection Act.

LEGISLATIVE BILL 620. By Hartnett, 45th District.

A BILL FOR AN ACT relating to emergency assistance; to amend sections 35-107, 71-5111, 71-5511, and 71-5513, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to immunity for providing certain services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 621. By Hartnett, 45th District.

A BILL FOR AN ACT relating to public docks; to adopt the Public Docks Act; to eliminate existing provisions relating to docks; and to repeal sections 18-701 to 18-716, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 625. By Hartnett, 45th District.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-503, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to certain votes of the city council; and to repeal the original section.

LEGISLATIVE BILL 627. By Hartnett, 45th District.

A BILL FOR AN ACT relating to oil and gas severance tax; to amend sections 57-705 and 79-12,145, Revised Statutes Supplement, 1986; to create the Homestead Exemption Fund; to change provisions relating to the disposition of the tax; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 628. By Hartnett, 45th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-160.01, Revised Statutes Supplement, 1986; to change a provision relating to exemptions from liquor excise taxes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 630. By Hartnett, 45th District.

A BILL FOR AN ACT relating to dogs; to amend sections 54-608 to 54-611 and 54-613, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to dogs running at large and other offenses; and to repeal the original sections.

LEGISLATIVE BILL 632. By Hartnett, 45th District.

A BILL FOR AN ACT relating to highway funds; to amend sections 39-2201, 39-2203, 39-2205, 39-2209, 39-2211 to 39-2214, 39-2216, 39-2217, 39-2219, 39-2221, 39-2222, 39-2224, 39-2226, 66-424, and 66-473, Reissue Revised Statutes of Nebraska, 1943, and section 39-2215, Revised Statutes Supplement, 1986; to define a term; to create the Highway Improvement Bond Fund; to authorize the issuance of bonds as prescribed; to change the disposition of funds received pursuant to the Nebraska Highway Bond Act; to change provisions relating to the distribution of the Highway Cash Fund; to change provisions relating to the receipt of revenue from the motor fuel excise tax as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 641. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to eliminate provisions relating to microwave communications facilities; and to repeal sections 70-1021 and 70-1022, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 644. By Baack, 47th District; Scofield, 49th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to schools; to amend section 79-1338, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,102, Revised Statutes Supplement, 1986; to change calculations relating to nonresident tuition; to change a provision relating to the School Foundation and Equalization Fund; and to repeal the original sections.

LEGISLATIVE BILL 646. By Marsh, 29th District.

A BILL FOR AN ACT relating to public buildings; to amend section 72-1119, Reissue Revised Statutes of Nebraska, 1943; to provide for the enforcement of building and fire code regulations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 647. By Nelson, 35th District; Wesely, 26th District.

A BILL FOR AN ACT relating to vocational education; to adopt the Vocational Education Program Support Act.

LEGISLATIVE BILL 647A. By Nelson, 35th District; Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 647, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 648. By Wesely, 26th District.

A BILL FOR AN ACT relating to the Capitol Mural Commission; to provide for an artwork competition; and to appropriate funds.

LEGISLATIVE BILL 651. By Rupp, 22nd District.

A BILL FOR AN ACT relating to cities of the second class; to define terms; to establish a retirement system for police officers in cities of the second class; to authorize a levy; and to provide an operative date.

LEGISLATIVE BILL 654. By Pappas, 42nd District; Labedz, 5th District.

A BILL FOR AN ACT relating to telephone service; to state intent; to define a term; to provide for a telephone service credit for low-income elderly persons; to provide a penalty; to create a fund; and to provide powers and duties.

LEGISLATIVE BILL 655. By Goodrich, 20th District.

A BILL FOR AN ACT relating to Nebraska State Patrol; to provide a cost-of-living adjustment for retirement benefits as prescribed.

LEGISLATIVE BILL 657. By Goodrich, 20th District.

A BILL FOR AN ACT relating to real property; to amend sections 76-107, 76-122, and 76-2,104, Reissue Revised Statutes of Nebraska, 1943; to provide a limitation on the duration of certain future interests as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 658. By Schmit, 23rd District; Harris, 27th District; Nelson, 35th District; Miller, 37th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1301 to 66-1304, 66-1306, and 66-1307, Reissue Revised Statutes of Nebraska, 1943, and section 58-239, Revised Statutes Supplement,

1986; to eliminate certain financing authority as prescribed; to eliminate a definition; to change the membership of a board; to provide a duty to the Department of Economic Development; to eliminate provisions relating to a tax; to create funds; to provide for the transfer of funds; to provide a surcharge on electricity as prescribed; to require establishment of ethanol facilities as prescribed; to require filing of a plan; to state intent; to prohibit the sale of fuel without ethanol as prescribed; to provide a penalty; and to repeal the original sections, and also sections 66-1308 to 66-1314 and 66-1317 to 66-1325, Reissue Revised Statutes of Nebraska, 1943, and section 58-239.01, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 664. By Schmit, 23rd District; Rogers, 41st District; Morehead, 30th District; Chambers, 11th District.

A BILL FOR AN ACT relating to agriculture; to adopt the Farm Mediation Act; to provide a termination date; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 664A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 664, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

LEGISLATIVE BILL 666. By Chizek, 31st District.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1403, Revised Statutes Supplement, 1986; to change provisions relating to revocation of certain certificates; and to repeal the original section.

LEGISLATIVE BILL 668. By Goodrich, 20th District.

A BILL FOR AN ACT relating to mental retardation; to amend section 83-1,142, Revised Statutes Supplement, 1986; to provide powers and duties for the director of the office of mental retardation relating to authorization and approval of services for the mentally retarded as prescribed; to provide additional powers and duties for each mental retardation region as prescribed; and to repeal the original section.

LEGISLATIVE BILL 670. By Chambers, 11th District.

A BILL FOR AN ACT relating to criminal procedure; to amend

section 29-2262.01, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain persons from acting as undercover agents or employees of a law enforcement agency as prescribed; and to repeal the original section.

LEGISLATIVE BILL 672. By Chambers, 11th District.

A BILL FOR AN ACT relating to parole; to amend sections 83-1,110 and 83-1,112, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to parole hearings; and to repeal the original sections.

LEGISLATIVE BILL 673. By Chambers, 11th District.

A BILL FOR AN ACT relating to penal and correctional institutions; to amend sections 83-4,122 and 83-4,123, Reissue Revised Statutes of Nebraska, 1943; to provide for tape recording certain hearings; to provide for judicial review as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 673A. By Chambers, 11th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 673, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 674. By Chambers, 11th District.

A BILL FOR AN ACT relating to surrogate parenthood contracts; to declare such contracts void and to provide rights and obligations; and to define a term.

LEGISLATIVE BILL 675. By Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 24-342, 28-105, 28-303, 29-2020, 83-1,107, and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, and section 29-3205, Revised Statutes Supplement, 1986; to eliminate the death penalty; to eliminate certain special procedures in homicide cases; to provide a penalty; to provide for applicability to prior convictions; to provide parole and discharge limitations; to harmonize provisions; and to repeal the original sections, and also sections 28-105.01, 29-2519 to 29-2525, 29-2527, 29-2528, 29-2532 to 29-2536, 29-2538, 29-2539, 29-2542 to 29-2546, and 83-1,132, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2537, 29-2540, and 29-2541,

Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 676. By Chambers, 11th District.

A BILL FOR AN ACT relating to grand juries; to amend section 29-1401, Reissue Revised Statutes of Nebraska, 1943; to require notification of the county coroner of certain deaths; to provide a penalty; to provide powers and duties for the county coroner; to require the calling of a grand jury as prescribed; and to repeal the original section.

LEGISLATIVE BILL 678. By Urban Affairs Committee: Hartnett, 45th District, Chairperson; Korshoj, 16th District; Landis, 46th District; Higgins, 9th District; Labedz, 5th District; Hall, 7th District.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1413, Reissue Revised Statutes of Nebraska, 1943, and section 84-1411, Revised Statutes Supplement, 1986; to change provisions relating to agenda and voting requirements; and to repeal the original sections.

LEGISLATIVE BILL 684. By L. Johnson, 15th District; Warner, 25th District; Moore, 24th District.

A BILL FOR AN ACT relating to tractor engine testing; to amend sections 2-2701, 2-2702, and 2-2703, Revised Statutes Supplement, 1986; to change provisions for the authority for and location of tractor engine testing; to change provisions relating to rules and regulations; to provide for reciprocity agreements; to eliminate certain powers; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 686. By Wesely, 26th District; Marsh, 29th District; Harris, 27th District.

A BILL FOR AN ACT relating to appropriations; to appropriate money to the Receiver of Commonwealth Savings Company, insolvent, as prescribed.

LEGISLATIVE BILL 691. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Chemically Impaired Professional Act.

LEGISLATIVE BILL 693. By Wesely, 26th District.

A BILL FOR AN ACT relating to nursing home administrators; to amend sections 71-2041.01, 71-2042, 71-2045.01 to 71-2045.03, and 71-2045.05 to 71-2045.07, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change provisions for licensing nursing home administrators; to change continuing education requirements; to provide for examinations, inactive licenses, preceptors, and administrators-in-training; and to repeal the original sections.

LEGISLATIVE BILL 693A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 693, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 694. By Wesely, 26th District.

A BILL FOR AN ACT relating to nursing homes; to amend sections 71-2024, 71-2033, 71-2034, and 71-2036 to 71-2038, Reissue Revised Statutes of Nebraska, 1943; to provide for rules and regulations for nursing homes; to change provisions relating to membership on the Nursing Home Advisory Council; to change provisions relating to council meetings, expenses, powers, and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 697. By Pirsch, 10th District.

A BILL FOR AN ACT relating to mental health records; to amend section 83-109, Revised Statutes Supplement, 1986; to state intent; to define terms; to provide access to certain records as prescribed; to provide disclosure as prescribed; and to repeal the original section.

LEGISLATIVE BILL 700. By Goodrich, 20th District; Remmers, 1st District; Schmit, 23rd District; Conway, 17th District.

A BILL FOR AN ACT relating to the Nebraska Property and Liability Insurance Guaranty Association Act; to amend sections 44-2403 and 44-2418, Reissue Revised Statutes of Nebraska, 1943, and section 44-2407, Revised Statutes Supplement, 1986; to redefine a term; to change provisions relating to powers and duties of the association; to provide for the collection of claims for unearned premiums as prescribed; to provide duties for the Director of Insurance; to provide a procedure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 702. By Pappas, 42nd District; Haberman, 44th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-902, Reissue Revised Statutes of Nebraska, 1943, and section 8-903, Revised Statutes Supplement, 1986; to define and redefine terms; to change provisions relating to bank holding companies; and to repeal the original sections.

LEGISLATIVE BILL 703. By Pappas, 42nd District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-602, Reissue Revised Statutes of Nebraska, 1943, and sections 8-157 and 8-903, Revised Statutes Supplement, 1986; to remove certain limitations from the establishment of branch banks as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 705. By Schmit, 23rd District; Withem, 14th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to the public power industry; to state intent; and to require a study of the public power industry as prescribed.

LEGISLATIVE BILL 706. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to environmental protection; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and section 81-1569, Revised Statutes Supplement, 1986; to adopt the Environmental Response and Liability Act; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 707. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend section 58-242, Reissue Revised Statutes of Nebraska, 1943, and section 58-239, Revised Statutes Supplement, 1986; to change certain powers as prescribed; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 713. By Lynch, 13th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-320 and 44-371, Reissue Revised Statutes of Nebraska, 1943; to

permit certain transactions involving officers of domestic insurance companies as prescribed; to change provisions relating to the exemption of certain proceeds and benefits as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 716. By Hall, 7th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to elections; to amend sections 32-702, 32-703, 32-704, 32-706, and 32-713, Reissue Revised Statutes of Nebraska, 1943, and sections 32-221, 32-705, and 60-403, Revised Statutes Supplement, 1986; to change provisions relating to the distribution of forms for voter registration by mail; to change qualifications and requirements of initiative and referendum petition signers and circulators; to change provisions relating to petitions; to change a provision relating to placing an issue on the ballot; to provide for additional information on operators licenses application forms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 716A. By Hall, 7th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 716, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 717. By Harris, 27th District.

A BILL FOR AN ACT relating to fairgrounds; to amend sections 2-125 to 2-127, Reissue Revised Statutes of Nebraska, 1943, and section 2-128, Revised Statutes Supplement, 1986; to authorize certain improvements for the Nebraska State Fairgrounds; to provide for financing such improvements as prescribed; to change a provision relating to an appropriation; and to repeal the original sections.

LEGISLATIVE BILL 723. By Schmit, 23rd District; Elmer, 38th District.

A BILL FOR AN ACT relating to propane; to adopt the Propane Safety Act.

LEGISLATIVE BILL 723A. By Schmit, 23rd District; Elmer, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 723, Ninetieth Legislature, First

Session, 1987.

LEGISLATIVE BILL 724. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to gambling; to amend sections 28-602, 60-1001, 81-146, and 81-1316, Reissue Revised Statutes of Nebraska, 1943, and sections 2-219, 9-204, 9-312, 9-402, 9-411, 9-415, 9-422, 9-502, 9-507, 9-509, 9-607, 14-102, 15-258, 16-226, 17-120, 17-207, 28-1101, 28-1105, and 28-1113, Revised Statutes Supplement, 1986; to adopt the Nebraska State Lottery Act; to redefine forgery; to provide exemptions; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 726. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-402.03, 79-402.07, 79-402.09, 79-402.11, 79-426.07, 79-426.08, 79-426.22, and 79-12,104, Reissue Revised Statutes of Nebraska, 1943, and section 79-702.06, Revised Statutes Supplement, 1986; to state intent; to require the state reorganization committee to compile guidelines for reorganization; to require the merger of school districts as prescribed; to harmonize provisions; to eliminate certain provisions relating to the formation of new school districts; to provide operative dates; and to repeal the original sections, and also section 79-415, Reissue Revised Statutes of Nebraska, 1943, and section 79-402, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 726A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 726, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 733. By L. Johnson, 15th District.

A BILL FOR AN ACT relating to museums; to state intent; to designate a railroad museum; and to declare an emergency.

LEGISLATIVE BILL 734. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-150, Reissue Revised Statutes of Nebraska, 1943; to provide for the computation of additions to certain rates of tax; and to repeal the original section.

LEGISLATIVE BILL 735. By Schmit, 23rd District; Warner, 25th District; Lamb, 43rd District; Labedz, 5th District.

A BILL FOR AN ACT relating to interest rates; to amend sections 8-435, 45-101.02, 45-101.03, 45-137, and 45-138, Reissue Revised Statutes of Nebraska, 1943, and section 8-820, Revised Statutes Supplement, 1986; to change the maximum rate of interest on loans and credit cards as prescribed; to eliminate certain exemptions from the limits; to harmonize provisions; and to repeal the original sections, and also section 45-101.04, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 749. By Harris, 27th District.

A BILL FOR AN ACT relating to economic development; to amend sections 58-209.01, 58-219, 66-452, 72-1263, 77-2704, 77-2708, 77-2715, 77-2734.03, 77-2734.04, and 77-2734.07, Reissue Revised Statutes of Nebraska, 1943, and section 81-1201.11, Revised Statutes Supplement, 1986; to adopt the Enterprise Zone Demonstration Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 750. By Wesely, 26th District; Chambers, 11th District.

A BILL FOR AN ACT relating to capital punishment; to amend section 71-148, Reissue Revised Statutes of Nebraska, 1943, and sections 29-1822 and 29-2537, Revised Statutes Supplement, 1986; to change provisions relating to the sentence of a mentally incompetent person; to include certain care or treatment as unprofessional conduct as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 751. By Schmit, 23rd District; Baack, 47th District.

A BILL FOR AN ACT relating to fuels; to amend section 66-1307, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define a term; to provide for the sale of certain fuels as prescribed; to change a provision relating to the use of a fund; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 757. By Chambers, 11th District.

A BILL FOR AN ACT relating to gambling; to amend sections 2-219, 28-1101, 28-1105, and 28-1113, Revised Statutes Supplement, 1986; to adopt the Sports Wagering Act; to harmonize provisions;

and to repeal the original sections.

LEGISLATIVE BILL 757A. By Chambers, 11th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 757, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 758. By Lamb, 43rd District.

A BILL FOR AN ACT relating to the Uniform Fraudulent Conveyance Act; to amend section 36-609, Reissue Revised Statutes of Nebraska, 1943; to provide for the assertion of third-party rights; and to repeal the original section.

LEGISLATIVE BILL 760. By V. Johnson, 8th District; Hall, 7th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-101, 71-102, 71-107, 71-110, 71-112, 71-113, and 71-162, Reissue Revised Statutes of Nebraska, 1943, and section 33-150, Revised Statutes Supplement, 1986; to state intent; to define terms; to provide for licensing certain persons for the practice of clinical laboratory technology as prescribed; to create a fund; to provide educational requirements; to provide powers and duties for the Department of Health; to require fees; to create a board; to provide for continuing education requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 761. By Schmit, 23rd District; R. Johnson, 34th District; Lamb, 43rd District; Pappas, 42nd District; Rupp, 22nd District.

A BILL FOR AN ACT relating to electricity; to require the installation of main electrical disconnects as prescribed; and to define terms.

LEGISLATIVE BILL 762. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1989; to provide an operative date; to repeal Laws 1986, LB 131A, Laws 1986, LB 153A, Laws 1986, LB 217A, Laws 1986, LB 277A, Laws 1986, LB 284A, Laws 1986, LB

286A, Laws 1986, LB 310A, Laws 1986, LB 318A, Laws 1986, LB 325A, Laws 1986, LB 333A, Laws 1986, LB 355A, Laws 1986, LB 438A, Laws 1986, LB 474A, Laws 1986, LB 575A, Laws 1986, LB 579A, Laws 1986, LB 643A, Laws 1986, LB 757A, Laws 1986, LB 774A, Laws 1986, LB 775A, Laws 1986, LB 795A, Laws 1986, LB 835A, Laws 1986, LB 850A, Laws 1986, LB 851A, Laws 1986, LB 894A, Laws 1986, LB 900A, Laws 1986, LB 925A, Laws 1986, LB 967, Laws 1986, LB 992A, Laws 1986, LB 1001A, Laws 1986, LB 1004A, Laws 1986, LB 1007, section 3, Laws 1986, LB 1027A, Laws 1986, LB 1036A, Laws 1986, LB 1037A, Laws 1986, LB 1041A, Laws 1986, LB 1049A, Laws 1986, LB 1051A, Laws 1986, LB 1105A, Laws 1986, LB 1124A, Laws 1986, LB 1143A, Laws 1986, LB 1230A, and Laws 1986, LB 1258A; and to declare an emergency.

LEGISLATIVE BILL 764. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to public employees; to amend sections 48-837, 48-840, 48-841, 48-842, and 81-1341.01, Revised Statutes Supplement, 1986; to change provisions relating to salary increases as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 766. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1519 and 81-1521.02, Reissue Revised Statutes of Nebraska, 1943, and section 81-1532, Revised Statutes Supplement, 1986; to adopt the Wastewater Treatment Facilities Construction Assistance Act; to eliminate a provision relating to the administration of a federal act; to harmonize provisions; to provide severability; and to repeal the original sections, and also section 81-1533, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 770. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to make appropriations for capital construction as prescribed; to state intent; to repeal capital construction provisions; to provide an operative date; to repeal Laws 1986, LB 1038, and Laws 1986, LB 1252; and to declare an emergency.

CARRYOVER RESOLUTIONS

LEGISLATIVE RESOLUTION 1.

Introduced by Warner, 25th District; Hartnett, 45th District; L. Johnson, 15th District.

WHEREAS, federal courts have ordered various petroleum producers to refund to consumers of petroleum products overcharges they made to the consumers on petroleum products sold during the period of time federal price controls on such products were in effect;

WHEREAS, these refunds have been allocated by the federal courts to the State of Nebraska on behalf of the petroleum consumers within the state for distribution for energy conservation and restitutionary purposes;

WHEREAS, the Legislature acknowledges that through the federal court orders various restrictions and conditions have been placed on the allowable uses of these overcharge funds, including approval by the federal court or United Stated Department of Energy of proposed uses;

WHEREAS, although initial plans for uses of some of these overcharge funds have been submitted to the United States Department of Energy for approval, final approval and assurances have not yet been received from the department;

WHEREAS, the Legislature acknowledges the existence of time constraints on the state's determination of how these funds should be used and consequently the need for prompt completion by the state of this responsibility;

WHEREAS, the Legislature acknowledges that selection of the projects for which the overcharge funds may be used rests initially and primarily with the Governor and his or her designee;

WHEREAS, however, the Legislature as representatives of the people of the State of Nebraska has a legitimate interest in how the proposed uses of these overcharge funds would best benefit the public and provide restitution to petroleum consumers;

WHEREAS, the Legislature as sole appropriating authority of these funds in the state treasury has a legitimate interest in considering possible future fiscal impacts to the state that may result from proposed uses of these funds;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature has a responsibility to ensure that there is public accountability for determination of the uses of these energy

overcharge funds;

2. That the Legislature respectfully requests that the Governor and Attorney General of the State of Nebraska not approve the disbursement of any of these energy overcharge funds until the Legislature has had an opportunity to promptly consider appropriate legislation to establish a procedure and policy for the state's determination and selection of the uses, and the Legislature's appropriation, of these funds.

LEGISLATIVE RESOLUTION 5CA.

Introduced by Abboud, 12th District.

A Resolution to propose an amendment to Article VIII of the Constitution of Nebraska by adding a new section 13 thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 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 thereto, which is hereby proposed by the Legislature:

CVIII-13 "For the purpose of promoting economic development and bringing new business into the state, the county board of commissioners or supervisors of any county may, by the passage of a resolution, initiate a vote of the electors of such county to exempt, either wholly or partially, for a period not exceeding five years, real property identified by the board which is situated within such county from taxation by the county or any political subdivision therein. Such real property tax exemption shall be effective if a majority of votes cast at such general or special election are in favor of such proposition.".

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 authorize the county board of commissioners or supervisors to grant a property tax exemption upon passage of a resolution by the board and approval of such exemption by a majority vote of the electors at a general or special election.

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.

LEGISLATIVE RESOLUTION 7CA.

Introduced by R. Johnson, 34th 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 NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 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:

CIII-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. When ~~; 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~~ eight 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 and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~said~~ such 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:

"A constitutional amendment to increase the salary of a state senator from four hundred dollars per month to eight hundred dollars per month.

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.

LEGISLATIVE RESOLUTION 10CA.

Introduced by Baack, 47th District; Conway, 17th District.

A Resolution to propose an amendment to Article XII, section 8, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XII, section 8, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CXII-8 "~~That Article XII of the Constitution of the State of Nebraska be amended by adding a new section numbered 8 and subsections as numbered, notwithstanding any other provisions of this Constitution.~~

~~Sec. 8.~~ (1) ~~No~~ Notwithstanding any other provision of this constitution, no corporation or syndicate shall acquire, or otherwise obtain an interest, whether legal, beneficial, or otherwise, in any title to real estate used for farming or ranching in this state, or engage in farming or ranching.

Corporation shall mean any corporation organized under the laws of any state of the United States or any country or any partnership of which such corporation is a partner.

Farming or ranching shall mean (i) the cultivation of land for the production of agricultural crops, fruit, or other horticultural products, or (ii) the ownership, keeping, or feeding of animals for the production of livestock or livestock products.

Syndicate shall mean any limited partnership organized under the laws of any state of the United States or any country, other than limited partnerships in which the partners are 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, or their spouses, at least one of whom is a person residing on or actively engaged in the day to day labor and management of the farm or ranch, and none of whom are nonresident aliens. This shall not include general partnerships.

These restrictions shall not apply to:

(A) A family farm or ranch corporation. Family farm or ranch corporation shall mean a corporation engaged in farming or ranching or the ownership of agricultural land, in which the majority of the voting stock is held by 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, or their spouses, at least one of whom is a person residing on or actively engaged in the day to day labor and management of the farm or ranch and none of whose stockholders are ~~non-resident~~ nonresident aliens and none of whose stockholders are corporations or partnerships, unless all of the stockholders or partners of such entities are persons related within the fourth degree of kindred to the majority of stockholders in the family farm corporation.

These restrictions shall not apply to:

(B) ~~Non-profit~~ Nonprofit corporations.

These restrictions shall not apply to:

(C) Nebraska Indian tribal corporations.

These restrictions shall not apply to:

(D) Agricultural land, which, as of ~~the effective date of this Act~~ November 29, 1982, is being farmed or ranched, or which is owned or leased, or in which there is a legal or beneficial interest in title directly or indirectly owned, acquired, or obtained by a corporation or syndicate, so long as such land or other interest in title shall be held in continuous ownership or under continuous lease by the same such corporation or syndicate, and including such additional ownership or leasehold as is reasonably necessary to meet the requirements of pollution control regulations. For the purposes of this exemption, land purchased on a contract signed as of ~~the effective date of this amendment~~ November 29, 1982, shall be considered as owned on ~~the effective date of this amendment~~ such date.

These restrictions shall not apply to:

(E) A farm or ranch operated for research or experimental purposes, if any commercial sales from such farm or ranch are only incidental to the research or experimental objectives of the corporation or syndicate.

These restrictions shall not apply to:

(F) Agricultural land operated by a corporation for the purpose of raising poultry.

These restrictions shall not apply to:

(G) Land leased by alfalfa processors for the production of alfalfa.

These restrictions shall not apply to:

(H) Agricultural land operated for the purpose of growing seed, nursery plants, or sod.

These restrictions shall not apply to:

(I) Mineral rights on agricultural land.

These restrictions shall not apply to:

(J) Agricultural land acquired or leased by a corporation or syndicate for immediate or potential use for nonfarming or nonranching purposes. A corporation or syndicate may hold such agricultural land in such acreage as may be necessary to its nonfarm or nonranch business operation, but pending the development of such agricultural land for nonfarm or nonranch purposes, not to exceed a period of five years, such land may not be used for farming or ranching except under lease to a family farm or ranch corporation or a ~~non-syndicate~~ nonsyndicate and ~~non-corporate~~ noncorporate farm or ranch.

These restrictions shall not apply to:

(K) Agricultural lands or livestock acquired by a corporation or syndicate by process of law in the collection of debts, or by any procedures for the enforcement of a lien, encumbrance, or claim thereon, whether created by mortgage or otherwise. Any lands so acquired shall be disposed of within a period of ~~five~~ eight years and shall not be used for farming or ranching prior to being disposed of, except under a lease to a family farm or ranch corporation or a ~~non-syndicate~~ nonsyndicate and ~~non-corporate~~ noncorporate farm or ranch.

These restrictions shall not apply to:

(L) A bona fide encumbrance taken for purposes of security.

These restrictions shall not apply to:

(M) Custom spraying, fertilizing, or harvesting.

These restrictions shall not apply to:

(N) Livestock futures contracts, livestock purchased for slaughter, or livestock purchased and resold within two weeks.

These restrictions shall not apply to:

(O) Any activities by a trust company or trust department of a financial institution that result in a nonbeneficial interest being held by such company or institution.

If a family farm corporation, which has qualified under all the requirements of a family farm or ranch corporation, ceases to meet the defined criteria, it shall have fifty years, if the ownership of the majority of the stock of such corporation continues to be held by persons related to one another within the fourth degree of kindred or their spouses, and their landholdings are not increased, to

either ~~re-qualify~~ requalify as a family farm corporation or dissolve and return to personal ownership.

The Secretary of State shall monitor corporate and syndicate agricultural land purchases and corporate and syndicate farming and ranching operations, and notify the Attorney General of any possible violations. If the Attorney General has reason to believe that a corporation or syndicate is violating this ~~amendment~~ section, he or she shall commence an action in district court to enjoin any pending illegal land purchase, or livestock operation, or to force divestiture of land held in violation of this ~~amendment~~ section. The court shall order any land held in violation of this ~~amendment~~ section to be divested within two years. If land so ordered by the court has not been divested within two years, the court shall declare the land escheated to the State of Nebraska.

If the Secretary of State or Attorney General fails to perform his or her duties as directed by this ~~amendment~~ section, Nebraska citizens and entities shall have standing in district court to seek enforcement.

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.".

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 change provisions relating to agricultural land by increasing the length of time certain ownership is allowed and excepting certain interests of trust companies and departments from ownership restrictions.

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.

LEGISLATIVE RESOLUTION 15CA.

Introduced by V. Johnson, 8th 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 NINETIETH LEGISLATURE OF NEBRASKA, FIRST

SESSION:

Section 1. That at the general election in November 1988 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:

CIII-24 "The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise ~~where~~ when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket, or requires an expenditure of substantial effort or time, except ~~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. 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, wherever run, either within or without the state, by the parimutuel or certificate method, when such wagering is conducted ~~by licensees~~ within ~~the~~ a licensed race track enclosure ~~at~~ or at other licensed locations outside such race track enclosure by a licensee who also conducts 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, except that ~~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:

"A constitutional amendment to authorize wagering by the parimutuel or certificate method on horse races run either within or without the state if such wagering is conducted at a licensed race track or at other licensed locations.

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.

LEGISLATIVE RESOLUTION 20CA.

Introduced by Hartnett, 45th District.

A Resolution to propose an 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 NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XV of the Constitution of Nebraska by adding a new section 19 thereto, which is hereby proposed by the Legislature:

CXV-19 "No money derived from sales or use taxes imposed by the state on motor vehicles, trailers, or semitrailers and used by the state or from fees, excises, or license fees imposed and used by the state relating to the registration, ownership, operation, or use of vehicles on the public highways, roads, or streets or to fuels used for the propulsion of such vehicles shall be expended for other than the cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein, payment of highway obligations including highway construction bonds authorized by Article XIII, section 1, and the cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, off-street public parking owned by a municipality, and bridges. This section shall not apply to money derived from motor vehicle operators license fees.".

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 that the net proceeds from highway use taxes, including motor vehicle license fees, motor vehicle fuel taxes, and motor vehicle sales or use taxes imposed by the state shall be used only for the purpose of construction, reconstruction, repair, and maintenance of highways, streets, roads, and bridges and payment of highway obligations, including highway construction bonds authorized by Article XIII, section 1.

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.

LEGISLATIVE RESOLUTION 21CA.

Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Hall, 7th District; Landis, 46th District; Korshoj, 16th District; Labedz, 5th District.

A Resolution to propose an amendment to Article XIII, section 2, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CXIII-2 "Notwithstanding any other provision in the Constitution, the Legislature may authorize any county, or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section, shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon

such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof. The Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from its general fund such sums of money as may be deemed necessary for an economic or industrial development project or program, subject to approval by a majority vote of the qualified electors of such city or village voting upon the question.".

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 empower the Legislature to authorize incorporated cities and villages to use their general fund for economic and industrial development with voter approval.

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.

LEGISLATIVE RESOLUTION 22CA.

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 NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 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:

CIII-22 "Each Legislature shall 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. 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.

After January 1, 1989, if the Legislature requires that any new program or service be provided by any municipality, county, or other political subdivision or if the Legislature requires the expansion of or a change in any existing program or service, which creation, expansion, or change will result in an increased expenditure of funds by the affected political subdivision, the Legislature shall appropriate the necessary funds for the benefit of the affected political subdivision each and every year during which the program or service is required to continue, except that if any municipality, county, or other political subdivision requests the Legislature to create, expand, or change any program or service, the Legislature shall not be required to appropriate the funds necessary to fund the created, expanded, or changed program or service.

After January 1, 1989, if the Legislature removes property from the tax base of any political subdivision or reduces the taxing allowance or authority of any political subdivision, the Legislature shall appropriate funds to the affected political subdivision in an amount equivalent to the revenue lost to such political subdivision as a result of such removal or reduction each and every year during which the removal or reduction remains in effect.".

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 newly created, expanded, or changed programs and services provided by political subdivisions and for revenue lost by political subdivisions due to tax exemptions or reduced taxing allowance or authority.

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.

LEGISLATIVE RESOLUTION 29.

Introduced by Dierks, 40th District; Hefner, 19th District.

WHEREAS, the technical and economic feasibility of using shelled corn as a boiler fuel in place of coal should be explored and encouraged; and

WHEREAS, given the low price of corn, the surplus of corn, and

the pollution which results from the burning of coal, corn is an attractive substitute for coal for purposes of providing boiler fuel; and

WHEREAS, the development of corn as a boiler fuel could reduce our dependence on foreign sources of energy which are costly and unreliable; and

WHEREAS, the University of Nebraska, the public power districts, and the Corn Development, Utilization, and Marketing Board are encouraged to explore the use of shelled corn as a boiler fuel.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature encourages the development of shelled corn as a boiler fuel.

2. That all of the public power districts operating coal fired power plants in Nebraska begin using a mixture of 5% corn with coal, as soon as possible, so that corn surpluses may be productively utilized.

3. That a copy of this resolution be sent to the Board of Regents of the University of Nebraska, the Corn Development, Utilization, and Marketing Board, and the governing boards of public power districts.

FIRST DAY - JANUARY 6, 1988

LEGISLATIVE JOURNAL

FIRST DAY - JANUARY 6, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 6, 1988

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninetieth Legislature, Second Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 a.m. on Wednesday, January 6, 1988, and was called to order by President Nichol.

PRAYER

The prayer was offered by Rev. Melvin J. Merwald, Executive Director, United Catholic Social Services, Omaha, Nebraska.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska National Guard.

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris	Dierks, Merton L.	Johnson, Rod
Ashford, Brad	Elmer, W. Owen	Korshoj, Frank
Baack, Dennis G.	Goodrich, Glenn A.	Labedz, Bernice
Barrett, William E.	Haberman, Rex	Lamb, Howard A.
Bernard-Stevens, David F.	Hall, Timothy J.	Landis, David
Beyer, Emil E., Jr.	Hannibal, Gary E.	Langford, Lorraine
Campbell, Helen H.	Hartnett, D. Paul	Lynch, Daniel C.
Chambers, Ernie	Hefner, Elroy M.	Marsh, Shirley M.
Chizek, Jerry	Higgins, Marge	McFarland, James D.
Conway, Gerald	Johanns, Stephanie A.	Miller, Jerry D.
Coordsen, George	Johnson, Lowell C.	Moore, Scott

Morehead, Patricia	Rogers, Carson H.	Warner, Jerome
Nelson, Arlene B.	Schellpeper, Stan	Wehrbein, Roger R.
Peterson, Richard	Schmit, Loran	Weihing, John L.
Pirsch, Carol McBride	Scofield, Sandra K.	Wesely, Don
Remmers, R. Wiley	Smith, Jacklyn J.	Withem, Ronald E.

Mr. V. Johnson was excused.

MOTION - Adopt Temporary Rules

Mr. Lynch moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 6, 1988.

The motion prevailed.

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 copy of the Official Roster of Members of the Nebraska Unicameral Legislature elected or appointed to serve in the Ninetieth Legislature, Second Session (Regular), 1988.

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 Ninetieth Legislature, Second Session (Regular), 1988.

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 sixth day of January in the year of our Lord, one thousand nine hundred and eighty-eight.

(SEAL) Allen J. Beermann, Secretary of State

DISTRICT	NAME	ELECTED
1	R. Wiley Remmers	November 6, 1984
2	Roger R. Wehrbein	November 4, 1986
3	Emil E. Beyer, Jr.	November 6, 1984
4	Gary Hannibal	November 4, 1986
5	Bernice Labedz	November 6, 1984
6	Brad Ashford	November 4, 1986
7	Tim Hall	November 6, 1984
8	Vard R. Johnson	November 4, 1986
9	Marge Higgins	November 6, 1984
10	Carol McBride Pirsch	November 4, 1986
11	Ernie Chambers	November 6, 1984
12	Chris Abboud	November 4, 1986
13	Daniel C. Lynch	November 6, 1984
14	Ron Withem	November 4, 1986
15	Lowell C. Johnson	November 6, 1984
16	Frank Korshoj	November 4, 1986
17	Gerald A. Conway	November 6, 1984
18	Stan Schellpeper	November 4, 1986
19	Elroy M. Hefner	November 6, 1984
20	Glenn A. Goodrich	November 4, 1986
21	Richard Peterson	November 6, 1984
22	Helen H. Campbell	***Appt'd. 1-4-88
23	Loran Schmit	November 6, 1984
24	Scott Moore	November 4, 1986
25	Jerome Warner	November 6, 1984
26	Don Wesely	November 4, 1986
27	Stephanie A. Johanns	*Appt'd. 5-13-87
28	James D. McFarland	November 4, 1986
29	Shirley Marsh	November 6, 1984
30	Patricia S. Morehead	November 4, 1986
31	Jerry Chizek	November 6, 1984
32	George Coordsen	November 4, 1986
33	Jacklyn Smith	November 6, 1984
34	Rod Johnson	November 4, 1986
35	Arlene B. Nelson	November 6, 1984
36	Lorraine Langford	November 4, 1986
37	Jerry D. Miller	November 6, 1984
38	W. Owen Elmer	November 4, 1986
39	William E. Barrett	November 6, 1984
40	Merton L. Dierks	November 4, 1986
41	Carson Rogers	November 6, 1984
42	David F. Bernard-Stevens	**Appt'd. 12-30-87

43	Howard Lamb	November 6, 1984
44	Rex S. Haberman	November 4, 1986
45	D. Paul Hartnett	November 6, 1984
46	David M. Landis	November 4, 1986
47	Dennis Baack	November 6, 1984
48	John L. Weihing	November 4, 1986
49	Sandra K. Scofield	November 6, 1984

*Appt'd. to fill vacancy created by resignation of Bill Harris
**Appt'd. to fill vacancy created by resignation of James Pappas
***Appt'd. to fill vacancy created by resignation of Lee Rupp

RESIGNATIONS

December 10, 1987

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE

Dear Patrick:

I would like to tender my resignation as a member of the Nebraska Legislature effective December 20, 1987.

Thank you for your consideration in this matter.

Sincerely,
(Signed) James E. Pappas

JEP/mev

December 16, 1987

The Honorable Kay Orr
Governor, State of Nebraska
Governor's Suite
2nd Floor, State Capitol
Lincoln, NE 68509

Dear Governor Orr:

This is to inform you that I wish to resign from my 22nd District legislative seat, effective December 31, 1987.

I have enjoyed representing my constituents in state government for the past five years, so I resign with some reluctance.

We speak constantly of economic development, the health and welfare of our citizens, education and just building a better Nebraska. I now recognize that much of this can be accomplished only with a strong state university system, and I look forward to helping maintain that.

Thank you.

Sincerely,
(Signed) Lee Rupp

LR:pj
cc: news media

MESSAGE FROM THE SECRETARY OF STATE

January 6, 1988

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

I hand you herewith the official appointment and oath of David F. Bernard-Stevens as a Member of the Legislature from the Forty Second (42) Legislative District for the unexpired term of James E. Pappas, resigned.

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

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, KAY A. ORR, Governor of the State of Nebraska, do hereby appoint David F. Bernard-Stevens of North Platte as a member of the Unicameral Legislature-District No. 42. This appointment shall take effect on December 30, 1987 and continue as provided by the law provided you shall perform all the duties imposed by law.

Said appointee replaces James E. Pappas, who has resigned.

Done at Lincoln, Nebraska, this 30th day of December, 1987.

(Signed) Kay A. Orr
Governor

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that David F. Bernard-Stevens has been appointed as a Member of the Nebraska Unicameral Legislature from the Forty Second (42) District for the unexpired term of James E. Pappas, resigned. The term beginning December 30, 1987 shall continue until January 4, 1989 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 Kay A. Orr 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 sixth day of January in the year of our Lord, one thousand nine hundred and eighty-eight.

(SEAL) Allen J. Beermann, Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I David F. Bernard-Stevens, 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) David F. Bernard-Stevens

Subscribed in my presence and sworn to before me this 30th day of December, 1987.

(Signed) Allen J. Beermann
Notary Public

(SEAL)

Succeeds Senator James Pappas - resigned

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

MESSAGE FROM THE SECRETARY OF STATE

January 6, 1988

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

I hand you herewith the official appointment and oath of Helen H. Campbell as a Member of the Legislature from the Twenty Second (22) Legislative District for the unexpired term of Lee Rupp, resigned.

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

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, KAY A. ORR, Governor of the State of Nebraska, do hereby appoint Helen H. Campbell of Columbus as a member of the Unicameral Legislature - District No. 22. This appointment shall take effect on January 4, 1988 and continue as provided by law provided you shall perform all the duties imposed by law.

Said appointee replaces Lee Rupp, who resigned.

Done at Lincoln, Nebraska, this 4th day of January, 1988.

(Signed) Kay A. Orr
Governor

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Helen H. Campbell has been appointed as a Member of the Nebraska Unicameral Legislature from the Twenty Second (22) District for the unexpired term of Lee Rupp, resigned. The term beginning January 4, 1988 shall continue until January 4, 1989 or such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor Kay A. Orr 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 sixth day of January in the year of our Lord, one thousand nine hundred and eighty-eight.

(SEAL) Allen J. Beermann, Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I Helen H. Campbell, 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. 22 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) Helen H. Campbell

Subscribed in my presence and sworn to before me this 4th day of January, 1988.

(Signed) Allen J. Beermann
Notary Public

(SEAL)

Succeeds Senator Lee Rupp - resigned

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

APPRECIATION

Received note of appreciation from the Ray Lundy family.

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 1987 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Little Blue	
Shoemaker & Witt	1,155.00
Lower Platte North	
Sidner, Svoboda, Schilke, Wiseman, Thomsen, & Holtorf	23,119.11
Natural Resources Commission	
None	
North Platte	
Holtorf, Kovarik, Nuttleman & Ellison, P.C.	324.50
Twin Platte	
Nielsen & Birch Law Office	4,613.90
Upper Niobrara-White	
None	

REPORTS

The following reports were received by the Legislature:

Statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar months of May through November, 1987 from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

Minutes of the Board of Public Roads Classifications and Standards for May through July, and September through November.

Quarterly reports from the Nebraska Department of Roads for the Nebraska State Highway Commission for June and September, 1987.

Annual Report and Plan of Work for the Nebraska State Water Planning and Review Process in accordance with Section 2-15,106 Nebraska Revised Statutes (R.S. Supp., 1986).

Semi-annual report from the Department of Environmental Control, showing the financial status of Program #518, Wastewater Construction Grants in accordance with Section 81-1533 Reissue Revised Statutes of Nebraska, 1943.

Audit reports from the Auditor of Public Accounts for the following: State Fire Marshal; Department of Aeronautics; Nebraska Department on Aging; State Treasurer of Nebraska; Department of Health; Department of Education; Nebraska State Treasurer;

Nebraska State Energy Office; Nebraska Coordinating Commission for Postsecondary Education; Department of Public Institutions; Department of Agriculture; Department of Administrative Services Letters-of-Credit; Department of Revenue; Nebraska Investment Council; Oil and Gas Conservation Commission; Department of Banking and Finance; Department of Labor; Nebraska Wheat Development, Utilization and Marketing Board; Nebraska Policy Research Office; Governor; Lieutenant Governor; Department of Environmental Control; Nebraska Equal Opportunity Commission; Nebraska Natural Resources Commission; Department of Veterans' Affairs; Nebraska Commission on Law Enforcement and Criminal Justice; Nebraska Public Service Commission; Nebraska Library Commission; District Courts; Nebraska Commission for the Hearing Impaired; Nebraska Technical Community College Areas; Accountability and Disclosure Commission; Nebraska State Patrol - Drug Control Cash Funds; and State Electrical Board.

Annual report from the Nebraska Educational Telecommunications Commission in accordance with LB 461, 1986 regarding the progress in the development of a network and service.

Report from the Department of Environmental Control on motor vehicle exhaust emissions with the use of oxygenated fuels in accordance with LB 279, 1987.

1985 annual report from the Nebraska State Energy Office.

Reports of loans made under the Agricultural Division of the Nebraska Investment Finance Authority from July 1, 1986 to June 30, 1987, pursuant to Section 45 of LB 626, 1983.

Nebraska Military Department Overview booklet pertaining to the Army National Guard, Air National Guard, and the State Civil Defense Agency.

Report of Examination from the Auditor of Public Accounts in accordance with Statute 81-106.

1985 annual report from the Department of Labor on employment and training activities authorized under the Job Training Partnership Act.

1986 annual report, "Traffic Accident Facts" from the Highway Safety Division, Nebraska Department of Roads.

Annual report from the Nebraska State Historical Society.

Annual status report for the Nebraska Department of Economic Development as required by 81-1201.11, Nebraska Statutes LB 965, 1986.

Annual budgetary report from the Department of Administrative Services, Accounting Division.

Annual report from the Nebraska Municipal Power Pool/Municipal Energy Agency of Nebraska.

Report of the use of federal block grant funds by the Department of Social Services pursuant to LB 780, 1987.

Semi-annual report from the Department of Environmental Control showing the financial status of Program #518, Construction Grants Program in accordance with Section 81-1533, Reissue Revised Statutes of Nebraska, 1943.

Annual report from the Nebraska Workers' Compensation Court in accordance with Section 48-166, Reissue Revised Statutes of Nebraska, 1943.

COMMUNICATIONS

Received copy of Wisconsin Assembly Joint Resolution 27, ratifying an amendment to the constitution of the United States pertaining to the effective date for congressional pay changes.

Received copy of California Senate Concurrent Resolution No. 6 relative to the Republic of Korea.

Received copy of Senate Concurrent Resolution, Serial No. 83 from Pennsylvania pertaining to the sister city-state concept between the people of the United States and other nations.

MESSAGES FROM THE GOVERNOR

July 17, 1987

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

State Capitol Building
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 Coordinating Commission on Postsecondary Education, requiring legislative confirmation.

Appointee:
Marcia L. Jones, 9942 Devonshire, Omaha, NE 68114.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

July 22, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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:
Dan T. Drain, 1940 Oakdale Avenue, Lincoln, NE 68506.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

July 23, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Commission of Industrial Relations, requiring legislative confirmation.

Appointee:
John P. Peetz, III, 2791 Fort Sidney Road, Sidney, NE 69162.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

July 31, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Foster Care Review Board, requiring legislative confirmation.

Appointee:
Carmen Gottschalk, 1337 N. 131st Circle, Omaha, NE 68154.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

August 4, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Coordinating Commission for Postsecondary Education, requiring legislative confirmation.

Appointee:
Joan R. Burney, Route 2, Hartington, NE 68739.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

August 4, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Coordinating Commission for Postsecondary Education, requiring legislative confirmation.

Appointee:
Timothy G. Darnauer, Travel Careers Institute, 9777 M Street, Omaha, NE 68127.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

August 19, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Motor Vehicle Industry Licensing Board, requiring legislative confirmation.

Appointee:
Denny Miller, 8402 Maple, Omaha, NE 68134.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

August 27, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Foster Care Review Board, requiring legislative confirmation.

Appointee:
Burrell Williams, 1904 Spencer, Omaha, NE 68110.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

August 28, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Foster Care Review Board, requiring legislative confirmation.

Appointee:
Jo Lamb, HC71, Box 20, Anselmo, NE 68813.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

August 31, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Department of Environmental Control, as Director, requiring legislative confirmation.

Appointee:
Dennis Grams, Department of Environmental Control, P. O. Box 94877, Lincoln, NE 68509.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

August 31, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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, as Director, requiring legislative confirmation.

Appointee:
Dayle E. Williamson, Natural Resources Commission, P.O. Box 94876, Lincoln, NE 68509.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

September 2, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Liquor Control Commission, requiring legislative confirmation.

Appointee:
Fred R. "Bob" Sikyta, 1150 Coachmans Drive, Lincoln, NE 68510.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

September 10, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Child Abuse Prevention Fund Board, requiring legislative confirmation.

Appointee:
Bonnie Johnson, 1209 Angus Drive, Norfolk, NE 68701.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

September 10, 1987

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

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 Child Abuse Prevention Fund Board, requiring legislative confirmation.

Appointee:
Thomas F. Tonniges, M.D., 1126 Sumner Street, Hastings, NE 68901.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

September 15, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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:
Fred E. Hlava, 136 N. Pine, Gordon, NE 69343.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

September 15, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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:
Robert L. Petersen, 911 Hahn Avenue, North Platte, NE 69101.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

September 15, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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:
Hugh Williams, President, Drake Williams Steel, 2301 Hickory Street, Omaha, NE 68108.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

September 23, 1987

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

Appointee:
Trish Jorgensen, 1416 Dodge, Room 830, Omaha, NE 68179.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

September 29, 1987

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

Appointee:
Thomas C. Baker, HC 2, Box 140, Trenton, NE 69044.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR

Governor

KAO:jb

October 5, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Arts Council, requiring legislative confirmation.

Appointee:
Helen L. Hayes, 11711 Van Dorn, Walton, NE 68461.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

October 5, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Arts Council, requiring legislative confirmation.

Appointee:
Helen W. Cherniak, 215 Fairacres Road, Omaha, NE 68132.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

October 8, 1987

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

Appointee:
Terry D. Malcom, 702 Siminole, P. O. Box 100, McCook, NE 69001.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

November 2, 1987

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

David O. Coolidge, HC 30, Lot 63, Lazy L, McCook, NE 69001.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

November 6, 1987

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

Appointee:
Elvin Adamson, HC 74, Box 14, Nenzel, NE 69219.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

November 12, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Commission for the Hearing Impaired, requiring legislative confirmation.

Appointee:
Rhonda L. H. Purbaugh, 9500 S. 56th Street, Lincoln, NE 685126.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

December 16, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Safety Center Advisory Council, requiring legislative confirmation.

Appointee:
Lt. James A. Pearson, 14th & Burnham Streets, Lincoln, NE 68502.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:

December 16, 1987

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

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 Safety Center Advisory Council, requiring legislative confirmation.

Appointee:
Kevin F. Knapple, 201 Cherokee Road, Lexington, NE 68850.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:

December 16, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Safety Center Advisory Council, requiring legislative confirmation.

Appointee:
Jack L. Swanson, 801 Maple Street, Chadron, NE 68337.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:

December 16, 1987

Mr. President, Mr. Speaker

and Members of the Legislature
State Capitol Building
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 Safety Center Advisory Council, requiring legislative confirmation.

Appointee:
Stephen P. Finn, Antelope County Court House, Neligh, NE 68756.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:

December 16, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Safety Center Advisory Council, requiring legislative confirmation.

Appointee:
Harold Sobotka, P.O. Box 94677, Lincoln, NE 68509-4677.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:

December 16, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Safety Center Advisory Council, requiring legislative confirmation.

Appointee:
Gene D. Siefford, 818 5th Street, Fairbury, NE 68352.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:

December 16, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Safety Center Advisory Council, requiring legislative confirmation.

Appointee:
Dallas W. Watkins, P.O. Box 94, Benkelman, NE 69021.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:

December 16, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Safety Center Advisory Council, requiring legislative confirmation.

Appointee:
Gary L. Hirsh, P.O. Box 95024, Lincoln, NE 68509-5024.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:

December 16, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Safety Center Advisory Council, requiring legislative confirmation.

Appointee:
Kenneth L. Sieckmeyer, South Jct. U.S. 77 & N-2, Lincoln, NE 68509.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:

MESSAGE FROM THE SECRETARY OF STATE

January 5, 1988

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 the following appointment requires legislative confirmation:

> Robert Sim, 1806 Brent Blvd., Lincoln, NE 68506, Reappointment to the Nebraska Accountability and Disclosure Commission, for a six year term ending June 30, 1993.

This appointment was made by me, pursuant to the provisions of Sections 49-14,106, 49-14,111, 49-14,112 and 49-14,113.

This appointment is respectfully submitted for your consideration.

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

XC: Robert W. Sim
Accountability and Disclosure Commission
Patrick O'Donnell
Senator Dennis Baack

ATTORNEY GENERAL'S OPINIONS

Opinion No. 87092

DATE: July 21, 1987

SUBJECT: Is an amendatory bill passed by the Legislature which incorrectly cites the sections which it amends constitutional under Article III, Section

14 of our State Constitution? If so, what language should be printed in the Nebraska Revised Statutes when the amendatory bill which was passed contains outdated statutory language?

REQUESTED BY: Joanne M. Pepperl
Revisor of Statutes and Bill Drafter
Nebraska Unicameral Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Dale A. Comer, Assistant Attorney General

In 1985, the First Session of the Eighty-Ninth Nebraska Legislature passed LB 496 which was duly signed by the Governor on June 5, 1985. That bill, which generally required seat belts to be worn in an automobile, contained seven separate sections which were placed in the Nebraska Revised Statutes by the Revisor of Statutes at Neb.Rev.Stat. §§39-6,103.04 through 6,103.08, and at Neb.Rev.Stat. §§39-669.26 and 39-6,171. The operative language of the bill requiring the use of seat belts was set out at §39-6,103.04. The 1985 Cumulative Supplement to the Nebraska statutes contained LB 496 within those various sections.

Subsequent to the passage of LB 496, there was a successful referendum petition drive to submit section 1 of the bill to the voters for their approval or rejection. Since that referendum was scheduled for November, 1986, the 1986 Cumulative Supplement to the Nebraska statutes published in the summer of 1986 contained the language of LB 496 then still in force.

On November 4, 1986, the Nebraska voters repealed section 1 of LB 496. All other sections of LB 496 were unchanged by the voter referendum, and remained in effect as set out in the Cumulative Supplement of 1986.

In 1987, the First Session of the Ninetieth Nebraska Legislature passed LB 430 and later, LB 224, which amended Neb.Rev.Stat. §39-669.26 pertaining to the Nebraska point system for drivers licenses. Although the version of §39-669.26 contained in LB 496 and the 1986 Cumulative Supplement remained in effect, the bill drafter, through inadvertence, used the outdated language of the 1984 Reissue §39-669.26 in those 1987 bills, and referred to the 1984 Reissue section number in naming the sections amended. In light of this error, you have now asked whether LB 430 and LB 224 were passed in violation of Article III, Section 14 of our State Constitution which 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." You have also inquired as to what version of §39-669.26 should be included in the 1987 Cumulative Supplement to the Nebraska Revised Statutes.

At the outset, several general rules established by our Supreme Court have application to the questions which you have raised. First of all, there is a presumption of the constitutionality of a statute duly enacted by the Legislature, and any reasonable doubt must be resolved in favor of its constitutionality. Bodenstedt v. Rickers, 189 Neb. 407, 203 N.W.2d 110 (1972); Board of Commissioners of the County of Sarpy v. McNally, 168 Neb. 23, 95 N.W.2d 153 (1959). The constitutional provisions dealing with amendments should receive a reasonable and liberal construction with a view to upholding the acts of the Legislature. State ex rel. Kaspar v. Lehmkuhl, 127 Neb. 812, 257 N.W. 229 (1934). The purpose of the provisions contained in Article III, Section 14 of our State Constitution is to prevent surreptitious legislation and impermissible confusion in the enactment of amendatory statutes, and to provide certainty in legislation. Bodenstadt v. Rickers, supra; Midwest Popcorn Company v. Johnson, 152 Neb. 867, 43 N.W.2d 174 (1950).

Your first question concerning the constitutionality of LB 430 and LB 224 is based upon their failure, through inadvertence, to name the proper sections which they amended as required by Article III, Section 14 of our State Constitution. (Both bills should have indicated that they amended §39-669.26 of the Cumulative Supplement of 1986 rather than §39-669.26 of the 1984 Reissue volume, and both bills should have included language from the 1986 Cumulative Supplement.) In an early case, our Supreme Court indicated that all that is required by the language in our Constitution concerning amendments to bills is that the amendments are plain and may be carried out, even though the section numbers of the original act and of the amendments are in confusion. State v. Babcock, 21 Neb. 599, 33 N.W. 247 (1887). If the amendments in question are not inductive of surreptitious legislation, then Article III, Section 14 is not violated. Mehrens v. Greenleaf, 119 Neb. 82, 227 N.W. 325 (1929). It is our view that the amendments in LB 430 and in LB 224 are plain, and that it is clear which section of our statutes they intend to amend. It is also our view that the situation here is not, in any way, conducive to the passage of surreptitious legislation. Consequently, we believe that the passage of LB 430 and the passage of LB 224 were constitutional.

Our conclusion as to the constitutionality of these most recent amendments to §39-669.26 is bolstered by several older Nebraska cases where the facts before our Supreme Court were similar to the

present instance. Those cases also offer guidance as to your second question concerning what language is now appropriate for §39-669.26 in the 1987 Cumulative Supplement.

In Fenton v. Yule, 27 Neb. 758, 43 N.W. 1,140 (1889), our Supreme Court considered the propriety of an amendatory act, passed in 1889, the title of which indicated that it was to amend certain sections of the Compiled Statutes of 1887. The Compiled Statutes in question included the language of a bill passed on March 30, 1887, and ignored the language of another superseding amendment to the same section passed on March 31, 1887. Therefore, the amendatory reference, as in the present case, was to statutory sections already superseded. The court held the Act of 1889 to be valid, and also held that the 1889 amendment was directed to the March 31, 1887 Act rather than to the March 30, 1887 Act even though the March 30, 1887 Act was set out in the Compiled Statutes which were referenced.

In State v. City of Kearney, 49 Neb. 325, 68 N.W. 533 (1896) and in State v. City of Wahoo, 62 Neb. 40, 86 N.W. 923 (1901), the Nebraska Supreme Court considered the same sequence of amendatory bills. On March 10, 1885, the Legislature passed a bill to amend "Section 69 of the Act of 1879." That 1879 statute had been amended in 1881 and again on March 2, 1885, yet no reference to those later amendments was made, and the 1885 Act, in effect, referred to a repealed statute. In State v. City of Kearney, supra, the Supreme Court held that the March 10, 1885 Amendment was valid. In State v. City of Wahoo, supra, the Court held that the March 10, 1885 Amendment "superseded" the March 2, 1885 Act at least so far as the two were in conflict.

On the basis of these various cases, it is our opinion that LB 430 and LB 224 amended the 1986 Cumulative Supplement version of §39-669.26, even though the title referenced and bill language itself referred to the 1984 Reissue version of that section. It is further our opinion that the language of LB 430 and LB 224 superseded the 1986 Cumulative Supplement language from LB 496 to the extent that they are inconsistent. We therefore recommend that you print the language of LB 224, as the conformed version of LB 430 and LB 224, in the 1987 Supplement without any language from LB 496 or the 1986 Cumulative Supplement.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

DAC/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 87094

DATE: July 30, 1987

SUBJECT: Osteopaths as Health Care Providers Under the Hospital-Medical Liability Act, Neb.Rev.Stat. §§44-2801 to 44-2855

REQUESTED BY: Senator Rex Haberman
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Marilyn B. Hutchinson, Assistant Attorney General

You have asked whether legislation is needed to assure that an osteopath comes within the definition of "physician" in Neb.Rev.Stat. §44-2804 so that he or she is a "health care provider" under Neb.Rev.Stat. §44-2803 who may qualify as provided in §44-2824 for limited personal liability under the Hospital-Medical Liability Act. Then any excess judgment against him or her would be paid from the Excess Liability Fund unless a patient elected not to come under the act as provided in §44-2821. As discussed below, we have concluded that clarifying legislation is needed.

"Physician" is defined as "a person with an unlimited license to practice medicine in this state pursuant to sections 71-1,102 to 71-1,107.14." (Emphasis added.) Neb.Rev.Stat. §44-2804. That definition is controlling. See, Neb.Rev.Stat. §44-2802.

Under §71-1,141, the scope of practice under an osteopathy license depends upon when the licensee graduated from osteopathy college and which examinations he or she has successfully passed. The maximum scope of practice is the license to practice osteopathic medicine and surgery. That is the one issued under §71-1,139.01 which requires not only passing of the examination for physicians and surgeons but also two years of postgraduate training in surgery. Such an osteopath may engage in the unlimited practice of medicine and surgery, the same as any one licensed to practice medicine and surgery; other osteopaths may not.

The confusion in the definition of "physician" arises because a license to practice osteopathic medicine and surgery is not issued

"pursuant to sections 71-1,102 to 71-1,107.14." Within those sections, §71-1,103(11) exempts such a licensee from the need to be licensed as a physician and surgeon, but a license to practice osteopathic medicine and surgery is actually issued pursuant to §§71-1,137, 71-1,139.01 and 71-1,141.

Arguably it is the unlimited practice of medicine, not the issuance of the license, which must be "pursuant to sections 71-1,102 to 71-1,107.14." There is a rule of statutory construction which supports such an interpretation. That is, referential and qualifying words in a statute, where no contrary intention appears, refer solely to the last antecedent. See, Haiar v. Kessler, 188 Neb. 312, 196 N.W.2d 380 (1972). Also, there is no rational basis for treating differently licensees who are equivalent practitioners. In fact, to do so would be contrary to an intent stated in §44-2801(1) "to assure continuing availability of medical care and to encourage physicians to enter into the practice of medicine in Nebraska and to remain in such practice as long as such physicians retain their qualifications." Thus it would raise equal protection problems if osteopathic physicians and surgeons are not within the definition and therefore are treated differently. See, Galloway v. Wolfe, 117 Neb. 824, 223 N.W.2d 1 (1929). A statute should be given an interpretation which meets constitutional requirements if it can reasonably be done. Scott v. State ex rel. Board of Nursing, 196 Neb. 681, 688, 244 N.W.2d 683 (1976), quoting Stahmer v. State, 192 Neb. 63, 218 N.W.2d 893 (1974). It can be done in this case by interpreting §44-2804 as including in the definition of "physician" both persons licensed as physicians and surgeons and persons licensed as osteopathic physicians and surgeons in this state.

Because statutory interpretation is needed to reach that conclusion, a safer course is to amend §44-2804 expressly to include osteopathic physicians and surgeons licensed pursuant to §71-1,139.01 in the definition of "physician."

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 87105

DATE: October 23, 1987

SUBJECT: Questions Related to the Certificate of Need Law

REQUESTED BY: Senator James E. Pappas
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Marilyn B. Hutchinson, Assistant Attorney General

1. Creation of an independent review panel.

As part of a task force developing legislation to change the Certificate of Need law, you want to propose legislation that will create a review panel which is independent of the Department of Health and which is a quasi-judicial body.

These objectives appear to be mutually exclusive. An administrative agency with only judicial functions would be judicial, not quasi-judicial. That is, its judicial functions would not be merely practical discretion reasonably incident to the exercise of ministerial police power by that review panel. See, Department of Banking v. Hedges, 136 Neb. 382, 401, 286 N.W. 277 (1939), and Hadden v. Aitken, 156 Neb. 215, 225, 55 N.W.2d 620 (1952). Therefore, creation of such an agency would be in violation of the constitutional requirement that the executive and judicial branches of government be separate. See, Neb. Const., Art. II, sec. 1.

2. Providing legal counsel for such independent review panel.

You want the independent review panel you create to be represented by a lawyer to rule on evidentiary matters. You ask if such a panel would be able to hire a lawyer independently or if such a lawyer would need to be from this office.

Current law makes the Attorney General the attorney for the state and for enumerated state officers who may not use state funds to pay for any special counsel without written authorization of the Governor or the Attorney General. See, Neb.Rev.Stat. §84-205 (Reissue 1981). The head of an independent review panel would arguably be covered by that section.

Thus, such an independent agency could not hire a lawyer independently without the consent of the Governor or the Attorney General. An attorney on the staff of the Department of Health could

not represent an independent appeal panel. An attorney from this office could.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

16-02-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 87106

DATE: October 28, 1987

SUBJECT: Legislative delegation of authority in LB 428 regarding motorcycle helmet standards.

REQUESTED BY: Senator Dan C. Lynch
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Yvonne E. Gates, Assistant Attorney General

Question: Whether a state statute which incorporates federal safety standards by reference unconstitutionally delegates legislative authority.

Conclusion: Probably not, the amended version of LB 428 merely requires the application of specified standards.

The issue of how far the Legislature should go in filling in the details of standards which an administrative agency is to apply has been addressed by the Nebraska Supreme Court. In Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979), the court ruled the "standards in conferring discretionary power upon an administrative agency must be reasonably adequate, sufficient, and definite for the guidance of the agency in the exercise of the power conferred upon it. . ." Id. at 465. Additionally, the court has indicated that the laws of another jurisdiction, including the United States and standards adopted pursuant to those laws, may be adopted by reference by the Nebraska Legislature. See, Lincoln Dairy Company v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960).

In that regard LB 428 does not pose a delegation of authority problem. It directs the Department of Motor Vehicles to compile a list of motorcycle helmets that meet certain requirements. Those requirements are stated expressly in the legislation or incorporated by reference to federal standards. "Where the Legislature has settled the guiding principles and standards of policy. . .the act should be upheld." Anderson v. Tiemann, 182 Neb. 393, 402, 155 N.W.2d 322, 328 (1967).

LB 428, Section 2 designates that "such helmet shall consist of lining, padding, visor and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, as amended for motorcycle helmets." Thus, the Department of Motor Vehicles is not authorized, expressly or impliedly, to establish any standards. The legislation proposed specifies the standards required and makes the administrative agency responsible for enforcing those standards.

However, an argument could be raised that the federal standards incorporated in LB 428 are too indefinite to be valid. It refers to "Standard No. 218 as amended for motorcycle helmets" without identifying any specific amendment. Should that be construed as incorporating amendments passed after enactment of LB 428 it would be unconstitutional. "{I}ncorporation by reference is permitted if the incorporation is of existing law or regulation," State v. Workman, 186 Neb. 467, 469, 183 N.W.2d 911 (1971).

While the Department of Motor Vehicles may look to 49 C.F.R. §517.218 (1986) to determine whether a particular helmet passes tests for impact, penetration and retention and has the proper configuration, projections and labelling, it is not directed to do so by this legislation. Hence LB 428, if enacted as is, may withstand an unconstitutional delegation of authority challenge; it would most likely avoid such challenge by making specific reference to the code.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Yvonne E. Gates
Assistant Attorney General

13-07-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 87112

DATE: December 1, 1987

SUBJECT: Suspension of Driving Privileges as Punishment for Minor in Possession (MIP) Convictions (LB 207)

REQUESTED BY: Senator Ron Withem
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Yvonne E. Gates, Assistant Attorney General

QUESTION: If enacted would enforcement of LB 207 result in a violation of the due process or equal protection rights of the individual involved?

CONCLUSION: No.

LB 207 provides that whenever an individual 13 years or older but under 18 years of age is convicted of a minor in possession charge such individual shall have the privilege to drive suspended. If the minor has not yet obtained or applied for driving privileges such privileges, when applied for, shall be denied up to 90 days for the first offense and up to one year for subsequent convictions. You ask if it is legal to prevent a 16 year old from receiving a driver's license for an offense which could be as much as three years old. You also question whether it is permissible to hold a different standard of justice for one group than another. LB 207 is similar to legislation proposed in 1979 imposing a one month suspension of driving privileges for the first MIP conviction with 3 months and 1 year suspensions for subsequent convictions. Attorney General Opinion No. 90, issued April 18, 1979, concluded that the legislation was constitutionally valid.

Since that time the State of Oregon has enacted Or.Rev.Stat. §482.593 (Repealed), replaced by Or.Rev.Stat. §809.260 (1986), containing provisions identical to LB 207. In State v. Day, 84 Or.App. 291, 733 P.2d 937 (1987) the Oregon statute withstood constitutional challenges based on equal protection and cruel and unusual punishment arguments.

Nebraska case law repeatedly indicates that "if the statute involves economic or social legislation not implicating a fundamental right or suspect class, courts will ask only whether a rational relationship exists between a legitimate state interest and the statutory means

selected by the legislature to accomplish that end." State v. Michalski, 221 Neb. 380, 385, 377 N.W.2d 510 (1985).

The Nebraska Supreme Court has consistently ruled that driving is not a fundamental right. Porter v. Jensen, 223 Neb. 438, ____ N.W.2d ____ (1986), Michalski, supra.

In Day, supra at 938 the Oregon court noted: "The group to whom the privilege is denied is not based on an immutable personal characteristic that can be suspected of reflecting 'invidious' social or political premises, i.e., 'prejudice or stereotyped prejudgments,' and therefore it is not a suspect classification."

Equal protection of the law requires that similarly situated persons be treated equally by the government; however, "It does not foreclose government from classifying persons or from differentiating one class from another when enacting legislation." Lindsley v. Natural Carbonic Gas Co., 220 U.S. 61, 31 S.Ct. 337, 55 L.Ed. 369 (1911). The classification made in LB 207 is one rationally related to the legitimate state interest of deterring drug and alcohol possession and use among young people.

Moreover, the minor's entitlement to an operator's license is outweighed by the state's goal of promoting highway safety. The suspension of a driver's license requires procedural due process guaranteed by the Fourteenth Amendment, State v. Michalski, 221 Neb. 380, 377 N.W.2d 510 (1985). LB 207 directs that the suspension be imposed by the court that convicts the individual of the MIP charge. This assures that the minor is afforded a proper forum and a meaningful opportunity to be heard before the punishment is ordered. That amounts to due process.

The fact that complete compliance with the court's order may be delayed for several years, until the minor is old enough to drive, does not violate the constitution. The Legislature has the power to select such punishment as it deems most effective in the suppression of crime. State v. Ruzicka, 218 Neb. 598, 357 N.W.2d 457 (1984). Temporary denial of current driving privileges or of subsequently applied for privileges indicates a legislative determination that such punishment is an effective deterrent to alcohol or drug use by minors. We are of the opinion that LB 207 as submitted for our review is not constitutionally suspect.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Yvonne E. Gates
Assistant Attorney General

13-32-2

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

Opinion No. 87113

DATE: December 3, 1987

SUBJECT: Authority of Legislature to impose a fee on persons applying for review of a proposal under the "407 review process," i.e., Neb.Rev.Stat. §§71-6201 to 71-6230 or "the act."

REQUESTED BY: Don Wesely, Chairperson
Health and Human Services Committee

WRITTEN BY: Robert M. Spire, Attorney General
Marilyn B. Hutchinson, Assistant Attorney General

You have asked whether the Legislature can constitutionally impose a fee on the applicant for review of a proposal under the "407 review process." We have concluded it may, as discussed below.

1. The legislative power of the state is vested in the Legislature.

The legislative power of the state is vested in the Legislature. Art. III, sec. 1 of the Nebraska Constitution. This includes police power to make laws necessary to protect the health, safety and welfare of its citizens, subject to judicial review. State v. Drayton, 82 Neb. 254, 117 N.W. 768 (1908).

"A citizen clearly has the right to engage in any occupation not detrimental to the public health, safety, and welfare." Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 785, 104 N.W.2d 227 (1960). Thus before the Legislature can regulate any occupation, it must determine that the public interest demands it. The Legislature has recognized this in the act, particularly in §§71-6202, 71-6211, 71-6221 and 71-6222.

Thus it is the Legislature which must determine whether the regulation of a health care occupation is necessary to protect the public.

2. The Legislature may delegate legislative functions to administrative agencies under certain conditions.

Art. II, sec. 1 of the Nebraska Constitution prohibits the executive branch of the state from exercising power properly belonging to the legislative department. (To do so would "deny the equal protection of the law and violate the due process provisions of the Fourteenth Amendment of the federal Constitution." See, Smithberger v. Banning, 129 Neb. 651, 657, 262 N.W. 492 (1935).) However, delegation of legislative power to the executive department has been upheld as administrative authority, not legislative power, where there is an express legislative purpose and designated limitations or standards prescribed in the legislative act. See, Terry Carpenter, Inc. v. Nebraska Liquor Control Commission, 175 Neb. 26, 36, 120 N.W.2d 374 (1963).

Whether the proposed regulation is necessary to protect the health, safety and welfare of the public is a decision the Legislature must make before it can regulate a health profession under its police power. In the "407 review process" the Legislature has enlisted the help of the Director of Health, the Board of Health and a technical committee, appointed by the Director of Health with the advice and consent of the Board of Health, in making that determination. In doing so the Legislature has expressed its purpose and set out explicit standards. It has asked for a recommendation, not a final decision, on whether the application should be granted or denied. (Asking for a recommendation saved a delegation of authority from unconstitutionality in Blackledge v. Richards, 194 Neb. 188, 194, 231 N.W.2d 319 (1975).)

Thus, the Legislature has delegated "administrative authority" in this case to facilitate its own decision-making process in the exercise of the police power.

3. The Legislature may assess a reasonable fee to defray costs incurred in the exercise of the police power.

Art. VIII, sec. 1 of the Nebraska Constitution provides that the necessary revenue of the state shall be raised by taxation in such manner as the Legislature may direct to be levied by valuation uniformly and proportionately upon all tangible property and franchises. There are some exceptions not applicable here.

In Gates v. Howell, 204 Neb. 256, 265, 282 N.W.2d 22 (1979), plaintiffs claimed a fee required to obtain a permit violated Art. VIII, sec. 1 and Art. III, sec. 18 of the Constitution of the State of Nebraska. The court disagreed:

> The purpose of requiring registration, however, is not for the purpose of raising revenue, but rather for the purpose of fulfilling the lawful authority of the state with regard to the public health,

safety, and welfare. We find nothing wrong with the state requiring the registration of mobile homes and the assessing of a reasonable fee to defray the costs of registration and inspection, if any.

In conclusion, a fee imposed by the Legislature on applicants seeking a 407 review in order to defray the costs incurred in such exercise of the police power would not violate Art. VIII, sec. 1 of the Nebraska Constitution.

4. The Legislature may classify the objects of legislation for the purpose of legislating with reference thereto under certain conditions.

Art. III, sec. 18 of the Nebraska Constitution prohibits the Legislature from passing local or special laws in particular cases. The Fourteenth Amendment of the federal constitution prohibits any state from denying to any person within its jurisdiction the equal protection of the laws.

The applicable rule was quoted in McDonald v. Rentfrow, 176 Neb. 796, 800, 127 N.W.2d 480 (1964):

"The Legislature may make reasonable classifications of the objects of legislation for the purpose of legislating with reference thereto. 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." (Emphasis supplied.) And, as stated by Commissioner Roscoe Pound in Cleland v. Anderson, 66 Neb. 252, 92 N.W. 306, 5 L. R. A. N. S. 136: "On the other hand, if the legislature has made a reasonable classification, -not a mere cloak or cover for an arbitrary exemption of certain persons or a certain class of persons, but a natural and proper selection of those who, upon a reasonable view of the mischiefs to be met, should be subject to the regulations prescribed, -and the law is made to operate generally and uniformly upon all of the class so constituted, the constitutional provision in question is not violated."

The "407 review process" covers proposals by any health professional group or organization, any individual, or any other interested person to regulate any health professional group not previously regulated and proposals to change the scope of practice of a regulated health profession. Neb.Rev.Stat. §§71-6204 and 71-6223. "{A}n applicant group shall submit an application to the director on forms prescribed by the director." Id.

That application is not a legislative bill. Section 71-6223 requires that it include specified items, including the problem and why regulation or change of scope of practice is necessary to protect the

public health, safety and welfare. Filing it triggers a three-tiered review process, culminating in a recommendation to the Legislature by the Director of Health on whether legislative action should be taken on the proposal and, if so, how. There is no provision in the act barring introduction of a bill containing such a proposal if there has been no 407 review or if the recommendation of the director is that no legislative action be taken.

Thus the class that would be affected by a fee which is made a required part of an application for 407 review would be only those groups or individuals who elect to avail themselves of the benefits of that process in order to persuade the Legislature that the rights of other persons should be infringed for the protection of the public. The fee would operate generally and uniformly on everyone in that class. So long as that fee is reasonably related to the costs incurred in making such a review, we conclude the classification is a permissible one.

Conclusion

We have concluded that the Legislature may impose a fee as a required part of the application for a 407 review without violating the constitutional provisions discussed above so long as that fee bears a reasonable relationship to the costs incurred in the process.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

16-24-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Committee Chairperson

Government, Military and Veterans Affairs

Mr. Conway nominated Mr. Baack.

Mr. Lynch moved to cease nominations and to cast a unanimous vote for Mr. Baack.

The motion prevailed.

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 788. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-141, Revised Statutes Supplement, 1987; to correct a reference to the Federal Housing Administration; and to repeal the original section.

LEGISLATIVE BILL 789. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to apportionment; to amend sections 5-104.04, 5-108.01, and 5-215, Reissue Revised Statutes of Nebraska, 1943; to transfer provisions relating to election of members of the Legislature and residency requirements for candidacy for certain public offices; to correct a reference to the name of a street; to eliminate a provision on the number of members of the Legislature; to eliminate obsolete provisions relating to Supreme Court judicial districts; and to repeal the original sections, and also sections 5-103.01, 5-109.01, and 5-110, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 790. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to children; to amend sections 27-504, 29-1805.10, 29-2204, 38-101, 38-114, 38-1001 to 38-1010, 38-1101 to 38-1105, 43-105, 43-501, 43-504, 43-507, 43-522, 43-903, 43-904, 43-1202, 83-108.04, 83-170, and 83-176, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2260 and 43-104, Revised Statutes Supplement, 1986; to correct references to statutes which were repealed when the Nebraska Juvenile Code was enacted; to transfer provisions relating to the age of minority and gifts and bequests to minors; to change references to crippled children to conform with Laws 1985, LB 249; to eliminate a statute regarding guardians that is no longer needed; to eliminate penalties for cruelty to and neglect of children which are covered by other statutes; and

to repeal the original sections, and also sections 38-114 to 38-117 and 38-509, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 791. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to civil rights; to amend section 20-116, Reissue Revised Statutes of Nebraska, 1943; to correct a reference to a repealed section; and to repeal the original section.

LEGISLATIVE BILL 792. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to utility service; to amend sections 18-417, 19-2702 to 19-2706, 19-2708 to 19-2711, and 19-2713 to 19-2717, Reissue Revised Statutes of Nebraska, 1943; to transfer and combine provisions relating to denial or discontinuance of service; and to repeal the original sections, and also sections 19-2707 and 19-2712, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 793. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Armory Board; to amend sections 14-520, 15-201, 16-201, 16-202, 17-503, and 18-1004, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to the board which was repealed by Laws 1971, LB 94; to eliminate a provision relating to a transfer of funds in 1971; and to repeal the original sections, and also section 55-131.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 794. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Municipal Cooperative Financing Act; to amend sections 18-2458 and 18-2459, Reissue Revised Statutes of Nebraska, 1943; to change references to statutes which were repealed by Laws 1976, LB 1005; and to repeal the original sections.

LEGISLATIVE BILL 795. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-417, 8-817, 8-1002, 8-1106, and 8-1508, Reissue Revised Statutes of Nebraska, 1943, and section 45-101.04, Revised Statutes Supplement, 1986; to correct internal references relating to the registration of certain securities and securities companies; to change a provision relating to the sale of checks; to correct a reference to the Director of Banking and Finance; to transfer a provision relating to banks and trust companies; to eliminate a provision authorizing appointment of trust companies as conservators; to eliminate a provision governing certain lawsuits under securities laws; to eliminate a provision relating to organization of credit unions; to eliminate a reference to a nonexistent act; to harmonize provisions; and to repeal the original sections, and also sections 8-1124 and 21-17,119, Reissue Revised Statutes of Nebraska, 1943, and section 8-207.01, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 796. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to municipalities; to amend section 17-307, Reissue Revised Statutes of Nebraska, 1943, and section 17-311, Revised Statutes Supplement, 1986; to delete an internal reference to a repealed statute; to delete an internal reference to a nonexistent statute; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 797. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1245, 81-1246, 81-1251, 81-1255, 81-1257 to 81-1260, 81-1262, and 81-1263, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to a repealed section; and to repeal the original sections.

LEGISLATIVE BILL 798. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-844, Reissue Revised Statutes of Nebraska, 1943; to eliminate a reference to a section of the Nebraska Constitution that was repealed in 1972; and to repeal the original section.

LEGISLATIVE BILL 799. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to fees; to repeal a section governing fees applicable to matters commenced prior to August 10, 1945; and to repeal section 33-126.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 800. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to corporations; to amend sections 21-312, 21-314, 21-318, 21-319, 21-321, 21-1337, 21-1513, and 21-1519 to 21-1521, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to repealed sections; and to repeal the original sections.

LEGISLATIVE BILL 801. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to dogs; to amend sections 54-610, 54-611, and 54-613, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to repealed sections; and to repeal the original sections.

LEGISLATIVE BILL 802. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to schools; to amend sections 10-127, 23-922, 51-411, 51-412, 51-417, 68-621, 68-625, 68-627, 72-1237.01, 77-1238, 77-2350, 77-2350.01, 77-2350.02, 77-2352, 79-321.01, 79-494, 79-499, 79-4,103, 79-4,105, 79-802, 79-1233, 79-1240, 79-1247.03, 79-1247.04, 79-1247.10, 79-1247.11, 79-1247.13, 79-2636, 79-2637, 79-2640, 79-2644, 79-2648, 79-2649, 79-2650.09, 85-184, 85-185, 85-190, 85-192, 85-194, and 85-963, Reissue Revised Statutes of Nebraska, 1943, and section 77-2363, Revised Statutes Supplement, 1987; to change references to sections which have been repealed; to repeal an operative date; to repeal an effective date; to eliminate obsolete provisions relating to junior colleges, vocational technical schools, vocational technical colleges, technical community colleges, municipal universities, and the municipal University of Omaha; to repeal an obsolete provision governing the issuance of certain bonds; to harmonize provisions; and to repeal the original sections, and also sections 68-628, 79-1247.14, 79-2662, 85-182, 85-183, 85-186 to

85-189, 85-191, 85-193, and 85-403.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 803. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Professional Liability Insurance Availability Act; to eliminate provisions which have expired; and to repeal sections 44-3001 to 44-3019, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 804. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to premarital examinations; to eliminate a fee for a test that is no longer required; and to repeal section 42-121.01, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 805. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to fees and salaries; to amend section 33-150, Revised Statutes Supplement, 1986; to eliminate a reference to a fund that no longer exists; and to repeal the original section.

LEGISLATIVE BILL 806. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to counties; to eliminate a duty of the county board to fix certain salaries by March 15, 1974; and to repeal section 23-1114.16, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 807. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3302, 2-3803, 2-3808, 2-3809, 2-3810, and 2-3812, Reissue Revised Statutes of Nebraska, 1943, and section 2-954, Revised Statutes Supplement, 1987; to repeal definitions no longer needed; to delete references to a repealed section; to harmonize provisions with former acts of the Legislature; to repeal the original sections, and also section 2-3608, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 808. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Commodity Code; to amend section 8-1736, Revised Statutes Supplement, 1987; to clarify language relating to appeals; and to repeal the original section.

LEGISLATIVE BILL 809. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to municipalities; to repeal a provision directing that certain actions be commenced within one year from April 29, 1967; to repeal a provision extending certain terms of office to the first Tuesday in June 1977; to repeal a provision directing the substitution of certain terms; and to repeal sections 18-1717, 18-2152, and 19-617.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 810. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Department of Public Institutions; to amend section 83-211, Reissue Revised Statutes of Nebraska, 1943; to repeal a definition that is no longer needed; to eliminate references to a section that was repealed in 1976; to repeal the original section, and also sections 83-211.01 and 83-212, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 811. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Policy Research Office; to repeal a provision governing a transfer to be made on July 1, 1979; and to repeal section 84-140, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 812. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to public meetings; to amend sections 2-3219, 79-439, and 79-1003.01, Reissue Revised Statutes of Nebraska, 1943; to change references to sections that were repealed in 1975; and to repeal the original sections.

LEGISLATIVE BILL 813. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to public lands; to repeal an authorization made in 1959 for the Governor to sell certain property which has been sold; and to repeal 72-109, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 814. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District; Hall, 7th District; R. Johnson, 34th District; Labedz, 5th District.

A BILL FOR AN ACT relating to highways and roads; to provide for the expenditure of funds for recreation road projects.

LEGISLATIVE BILL 815. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to unclaimed property; to amend sections 2-1223 and 24-563, Reissue Revised Statutes of Nebraska, 1943; to adopt the Uniform Unclaimed Property Act; to repeal the Uniform Disposition of Unclaimed Property Act; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 69-1301 to 69-1329, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 816. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to soldiers and sailors; to amend section 80-401.01, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 817. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to water management; to amend section 2-15,119, Revised Statutes Supplement, 1987; to change a provision relating to a report submitted by the Water Management Board as prescribed; and to repeal the original section.

LEGISLATIVE BILL 818. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to railroads; to require fire-safety equipment as prescribed; to provide a penalty; to provide the evidentiary effect of certain proof; and to provide liability for fires.

LEGISLATIVE BILL 819. Introduced by Elmer, 38th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1734.01 and 77-1776, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the time of payment and filing for certain tax refunds; and to repeal the original sections.

LEGISLATIVE BILL 820. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-669.07 and 39-669.08, Revised Statutes Supplement, 1987; to change penalty provisions related to driving while under the influence of alcoholic liquor or drugs; and to repeal the original sections.

LEGISLATIVE BILL 821. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to courts; to amend section 25-2221, Reissue Revised Statutes of Nebraska, 1943; to authorize courts and their offices to close on the Birthday of Martin Luther King, Jr.; and to repeal the original section.

LEGISLATIVE BILL 822. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to appropriations; to authorize an appropriation for increasing the availability of computing in instructional program at the University of Nebraska at Lincoln.

LEGISLATIVE BILL 823. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to school buses; to amend section 79-487, Reissue Revised Statutes of Nebraska, 1943, and section 60-329, Revised Statutes Supplement, 1986; to permit the use of school buses by certain organizations as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 824. Introduced by Marsh, 29th District.

A BILL FOR AN ACT relating to license plates; to amend section 60-311.04, Reissue Revised Statutes of Nebraska, 1943; to permit the issuance of prisoner of war license plates to surviving spouses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 825. Introduced by Elmer, 38th District; Hefner, 19th District.

A BILL FOR AN ACT relating to controlled shooting areas; to amend section 37-902, Reissue Revised Statutes of Nebraska, 1943, and section 37-905, Revised Statutes Supplement, 1986; to change provisions relating to controlled shooting areas; to eliminate provisions relating to shooting seasons and operators of controlled shooting areas; to harmonize provisions; and to repeal the original sections, and also section 37-909, Reissue Revised Statutes of Nebraska, 1943, and section 37-907, Revised Statutes Supplement, 1987.

LEGISLATIVE BILL 826. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to retail farm implements; to amend section 69-1501, Reissue Revised Statutes of Nebraska, 1943; to provide a payment date for returned farm implements, machinery, or attachments or repair parts therefor; to provide an interest rate for delinquent payments; and to repeal the original section.

LEGISLATIVE BILL 827. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend sections 9-301, 9-303, 9-316, and 9-329, Revised Statutes Supplement, 1986; to define and redefine terms; to change provisions relating to pickle card operators licenses; to provide additional requirements for licensure as a pickle card operator; to restrict the sale of pickle cards as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 828. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to counties; to amend sections 23-3101, 23-3102, 23-3106, and 23-3107, Revised Statutes Supplement, 1986; to provide for the sale of used, surplus personal property as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 829. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1208.01, Revised Statutes Supplement, 1987; to change a provision

relating to tax rates on parimutuel wagering as prescribed; and to repeal the original section.

LEGISLATIVE BILL 830. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to financial institutions; to require the payment of rent and utilities for storage of personal property as prescribed; and to define a term.

LEGISLATIVE BILL 831. Introduced by Rogers, 41st District.

A BILL FOR AN ACT relating to game and fur farming and fish culture; to amend sections 37-713 and 37-715, Revised Statutes Supplement, 1987; to change a provision relating to keeping certain animals in captivity; to change a provision relating to the issuance of a certain permit as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 832. Introduced by Rogers, 41st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1803, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the description of lands for tax sales; and to repeal the original section.

LEGISLATIVE BILL 833. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-315 and 77-1240.03, Revised Statutes Supplement, 1987; to change provisions relating to filing for a refund of fees or a refund or credit for taxes paid on motor vehicles; and to repeal the original sections.

LEGISLATIVE BILL 834. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3509.01, 77-3509.02, and 77-3514, Revised Statutes Supplement, 1987; to change provisions for transfer of a homestead exemption; to provide for such transfers in all counties; and to repeal the original sections.

LEGISLATIVE BILL 835. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to schools; to amend section 79-801, Reissue Revised Statutes of Nebraska, 1943; to change a provision

relating to replatting in Class III school districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 836. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to motor carriers; to amend section 66-633, Reissue Revised Statutes of Nebraska, 1943; to adopt the Interstate Motor Carriers Base State Fuel Tax Compact Act; to provide for the use of information as prescribed; and to repeal the original section.

LEGISLATIVE BILL 837. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to create a fund; to provide for the funding of credits and refunds as prescribed; to provide for transfers of funds; and to require certain information to be public.

LEGISLATIVE BILL 838. Introduced by Shellpeper, 18th District; R. Johnson, 34th District; Warner, 25th District; Moore, 24th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to museums; to provide for the appointment of the Antique Farm Equipment Commission; to provide for the creation of a museum; to provide powers and duties; and to create a fund.

LEGISLATIVE BILL 839. Introduced by Shellpeper, 18th District.

A BILL FOR AN ACT relating to public health and welfare; to establish the Community Health Resources Program; to provide powers and duties for the Department of Health; and to authorize a fee for services.

LEGISLATIVE BILL 840. Introduced by Shellpeper, 18th District.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend section 60-2802, Revised Statutes Supplement, 1987; to change a provision relating to the operation of all-terrain vehicles; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 841. Introduced by Shellpeper, 18th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to schools; to amend section 79-201, Reissue Revised Statutes of Nebraska, 1943; to restrict the opening date of public schools as prescribed; and to repeal the original section.

LEGISLATIVE BILL 842. Introduced by V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1303, Revised Statutes Supplement, 1987; to change a provision relating to the preparation of certain real estate records; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 843. Introduced by V. Johnson, 8th District.

A BILL FOR AN ACT relating to the state university and state colleges; to state intent; to authorize the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges to establish a voluntary tenure settlement program as prescribed; to provide policies and requirements; and to provide for costs.

LEGISLATIVE BILL 844. Introduced by V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-201, 77-1344, 77-1359, 77-1361, and 77-1367, Reissue Revised Statutes of Nebraska, 1943, and section 77-1362, Revised Statutes Supplement, 1987; to redefine a term; to eliminate certain provisions relating to the valuation of agricultural land and horticultural land for tax purposes; to change provisions relating to the valuation manual; to harmonize provisions; and to repeal the original sections, and also sections 77-1358 and 77-1368, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1364 and 77-1365, Revised Statutes Supplement, 1987.

LEGISLATIVE BILL 845. Introduced by Remmers, 1st District.

A BILL FOR AN ACT relating to inheritance taxes; to amend sections 77-2004 and 77-2006, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the determination of certain relatives; to change provisions relating to the value of beneficial interests which can be taxed; and to repeal the original sections.

LEGISLATIVE BILL 846. Introduced by Nelson, 35th District.

A BILL FOR AN ACT relating to community-based programs; to appropriate funds to aid substance abuse and mental health programs.

LEGISLATIVE BILL 847. Introduced by V. Johnson, 8th District; Barrett, 39th District.

A BILL FOR AN ACT relating to foreign relations; to adopt the Protocol Act; to provide an operative date; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 246CA. Introduced by Hefner, 19th District.

A Resolution to propose the repeal of Article III, section 15, and to add a new section 19 to Article XV, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the repeal of Article III, section 15, and to add a new section 19 to Article XV, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CIII-15 "Article III, section 15, of the Constitution is repealed."

CXV-19 "All elective offices created by the Constitution of Nebraska or laws of this state shall become vacant by conviction of a felony.".

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 eliminate the privilege of members of the Legislature to be free from certain arrests during the legislative session and to declare elective offices vacant upon conviction of a felony.

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 Reference Committee.

MOTION - Adopt Permanent Rules

Mr. Lynch moved to adopt the permanent rules.

The Rules Committee offered the following amendment to the rules: Amend Rule 1, Sec. 6 as follows:

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:

Chairperson of the Legislative Council
Chairperson of Committee on Committees
Chairperson of Committee on Judiciary
Chairperson of Committee on Government, Military and Veterans Affairs
Chairperson of Committee on Appropriations
Chairperson of Committee on Revenue
Chairperson of Committee on Education
Chairperson of Committee on Banking, Commerce and Insurance
Chairperson of Committee on ~~Public Works~~ Natural Resources
Chairperson of Committee on Agriculture ~~and Environment~~
Chairperson of Committee on Health and Human Services
Chairperson of Committee on ~~Miscellaneous Subjects~~ General Affairs
Chairperson of Committee on Business and Labor
Chairperson of Committee on Urban Affairs
Chairperson of Committee on ~~Constitutional Revision and Recreation~~ Transportation

The amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules: Rule 5, Sec. 4(c)3.

~~3. A special committee as created by the Executive Board on December 10, 1983, regarding the Commonwealth investigation and matters related thereto, may introduce bills at any time during the course of the 1984 Legislative Session. Said bills to be introduced must receive endorsement of a majority of the committee members whose names shall appear on the bill in order to fall within the purview of this section.~~

The amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 3, Sec. 6(a)

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~~ 1:30 p.m. on weekdays, unless otherwise approved by the Legislature.

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 5, Sec. 6(h)

(h) The fiscal 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 fiscal note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

The amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 1, Sec. 17(e)

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

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 2, Sec. 3(d)

(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~~ on the floor of the Legislature besides members of the Legislature.

Mrs. Marsh offered the following amendment to the pending amendment:

after the word "Legislature" add "except for employees of the Clerk of the Legislatures office."

The Marsh amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The amendment, as amended, was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 3, Sec. 5(b)

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

Building Maintenance. RRS 81-185 ..... 6 members
Education Commission of the States.
RRS 79-2504 ..... ~~4~~3 members
Executive Board of the Legislative Council.
RRS 50-401.01 ..... 9 members
Intergovernmental Cooperation. RRS 81-816 ..... 5 members
Nebraska Retirement Systems. RRS 50-416 ..... 6 members
Performance Review and Audit.
RRS 50-701.02 ..... 9 members

~~Telecommunications. RRS 50-424 ..... 8 members~~

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 3, Sec. 5(c)(i)

(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 Section 81-816, the Executive Board may appoint ~~alternate~~ temporary members to serve on such assignments as the chairperson shall direct.

(ii) Nebraska Retirement Systems Committee.

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

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 3, Sec. 13

Sec. 13. 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 or resolution 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.

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 4, Sec. 8

Sec. 8. Reference to Committee. Resolutions other than those covered by Sections 2 and 3 of this rule shall upon the recommendation of the Speaker of the Legislature be referred to the Reference Committee for referencing to the appropriate committee ~~upon the recommendation of the Speaker of the Legislature~~ .

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules:
Amend Rule 6, Sec. 3(h)

(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 or she 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 and any amendment to an amendment shall require a majority vote of the members present. 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.

Amend Rule 6, Sec. 5(b)

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

Mr. Chambers offered the following amendment to the proposed rule change:

#11 (h) In new language, strike the word "present" after members and insert "voting"

The Chambers amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The amendment, as amended, was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules:
Amend Rule 7, Sec. 1(d)

~~(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.~~

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 7, Sec. 3(a)

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~~ place on General File pursuant to Rule 3, §19(B).
c. Motion to place bills on General File, notwithstanding the action of a standing committee.

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 6, Sec. 11

Sec. 11. Governor's Veto, Further Legislative Action. (a) 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. The Legislature shall decide upon the motion no later than five legislative days, in the same annual session, after receipt of the message from the Governor announcing his or her veto of the bill, whereupon ~~Whereupon~~ the question shall be, "Shall the bill pass notwithstanding the objections 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 objections 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.

(b) On the sixth legislative day following the receipt of a veto message, or within five calendar days following the sine die adjournment of a legislative session, the Clerk shall transmit to the Secretary of State all vetoed bills and line-item vetoed bills wherein no motion to override has been offered, or upon which a motion to override has been unsuccessful.

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 5, Sec. 5(b)

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate ~~two of the committee's~~

~~bills as priority bills~~ as priority bills two of the bills referenced to its committee and on which the committee has held a public hearing.

The amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 2, Sec. 2

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and such a motion shall not be amendable. These rules 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.

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 the amendment.

Voting in the affirmative, 29:

Abboud	Elmer	Johnson, R.	McFarland	Scofield
Barrett	Goodrich	Lamb	Miller	Warner
Bernard-Stevens	Hall	Landis	Moore	Wehrbein
	Hartnett	Langford	Peterson	Weihing
Campbell	Hefner	Lynch	Remmers	Wesely
Chizek	Johnson, L.	Marsh	Rogers	Withem

Voting in the negative, 18:

Ashford	Conway	Hannibal	Labedz	Pirsch
Baack	Coordsen	Higgins	Morehead	Schellpeper
Beyer	Dierks	Johanns	Nelson	Smith
Chambers	Haberman	Korshoj		

Present and not voting, 1:

Schmit

Excused and not voting, 1:

Johnson, V.

The amendment was adopted with 29 ayes, 18 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 848. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-2704, Revised Statutes Supplement, 1987; to change provisions relating to the sales and use tax exemption for magazines and journals; and to repeal the original section.

LEGISLATIVE BILL 849. Introduced by Rogers, 41st District.

A BILL FOR AN ACT relating to motor vehicles; to define terms; to provide restrictions on sunscreening devices as prescribed; to provide penalties; and to declare an emergency.

LEGISLATIVE BILL 850. Introduced by Rogers, 41st District.

A BILL FOR AN ACT relating to public buildings; to adopt the Public Building Roof Standards Act; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 851. Introduced by Morehead, 30th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-180, Reissue Revised Statutes of Nebraska, 1943, and section 53-180.05, Revised Statutes Supplement, 1986; to prohibit the sale of alcoholic liquor to intoxicated persons; to provide and change penalties as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 852. Introduced by Morehead, 30th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Reissue Revised Statutes of Nebraska, 1943, section 53-125, Revised Statutes Supplement, 1986, and section 53-103, Revised Statutes Supplement, 1987; to require an examination prior to issuance or renewal of a retail license; to provide

a fee; to provide duties for the Nebraska State Patrol and the Nebraska Liquor Control Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 853. Introduced by Johanns, 27th District.

A BILL FOR AN ACT relating to counties; to amend section 23-120, Revised Statutes Supplement, 1986; to change provisions relating to levies for buildings; and to repeal the original section.

LEGISLATIVE BILL 854. Introduced by Johanns, 27th District.

A BILL FOR AN ACT relating to the Department of Correctional Services; to authorize a conveyance of certain land; to authorize the receipt and deposit of certain funds; and to declare an emergency.

LEGISLATIVE BILL 855. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-907, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1987; to exempt annuity contracts from taxation as prescribed; to redefine a term; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 856. Introduced by Remmers, 1st District.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend section 44-4303, Revised Statutes Supplement, 1987; to redefine a term; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 857. Introduced by L. Johnson, 15th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-114, Reissue Revised Statutes of Nebraska, 1943, and section 60-2304, Revised Statutes Supplement, 1986; to change provisions relating to forms for certificates of title and applications for certificates of title; and to repeal the original sections.

LEGISLATIVE BILL 858. Introduced by L. Johnson, 15th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-355, Revised Statutes Supplement, 1987; to change a date as prescribed; and to repeal the original section.

LEGISLATIVE BILL 859. Introduced by Remmers, 1st District; Wehrbein, 2nd District; Hall, 7th District.

A BILL FOR AN ACT relating to education; to amend sections 79-1903, 79-2003, 79-3330, and 79-3333, Reissue Revised Statutes of Nebraska, 1943; to change funding provisions for the Nebraska School for the Visually Handicapped and the Nebraska School for the Deaf; to harmonize provisions; and to repeal the original sections, and also section 79-3331, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 860. Introduced by Chizek, 31st District; Ashford, 6th District; Conway, 17th District; Baack, 47th District.

A BILL FOR AN ACT relating to colleges and universities; to amend section 77-2716.01, Revised Statutes Supplement, 1987; to adopt the Nebraska College Savings Plan Act; to provide an individual income tax deduction for certain contributions to a college expense savings account; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 861. Introduced by Nelson, 35th District; Schellpeper, 18th District; Dierks, 40th District.

A BILL FOR AN ACT relating to smokeless tobacco products; to define terms; to prohibit certain distributions and rebates; to provide injunctions as prescribed; and to provide a civil penalty as prescribed.

LEGISLATIVE BILL 862. Introduced by Peterson, 21st District.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1201, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the use of revenue from a certain tax; and to repeal the original section.

LEGISLATIVE BILL 863. Introduced by Hall, 7th District; Withem, 14th District.

A BILL FOR AN ACT relating to boilers; to amend sections 48-719 and 48-720, Revised Statutes Supplement, 1987; to define a term; to create an advisory board; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 864. Introduced by Hall, 7th District; Barrett, 39th District.

A BILL FOR AN ACT relating to the payment of claims; to amend sections 24-319, 24-321, 24-731, 24-733, 25-1806, 32-549, 53-113, 72-419, 72-420, 75-104, 77-2205, 77-2406, 77-2409, 77-2410, 77-2412, 77-2416, 81-804, 81-8,209 to 81-8,232, 81-8,237 to 81-8,239, 81-8,239.03, 81-1170, 81-1171, 81-1174 to 81-1177, 83-195, 83-1,128, 84-213, 85-122, 85-130, 85-301, and 85-316, Reissue Revised Statutes of Nebraska, 1943, and section 25-213, Revised Statutes Supplement, 1986; to change provisions relating to claims for certain payments and reimbursements; to adopt the State Contract Claims Act and the State Miscellaneous Claims Act; to provide procedures for contract and miscellaneous claims against the state; to change an appeal procedure; to eliminate an obsolete provision and certain duties of the Director of Administrative Services; to harmonize provisions; and to repeal the original sections, and also sections 81-8,234, 81-8,236, 81-1172, and 81-1173, Reissue Revised Statutes of Nebraska, 1943, and section 77-2407, Revised Statutes Supplement, 1987.

LEGISLATIVE BILL 865. Introduced by Remmers, 1st District; Moore, 24th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 71-5101, 71-5110, 71-5113, 71-5502, 71-5508, and 71-5518, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5102 and 71-5111, Revised Statutes Supplement, 1987; to restate intent; to define and redefine terms; to provide for the licensure or certification of rescue and basic life support personnel as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 866. Introduced by Chizek, 31st District; Ashford, 6th District; Hall, 7th District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide adjustments for retirement benefits as prescribed.

LEGISLATIVE BILL 867. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to polygraph examiners; to amend section 81-1917, Reissue Revised Statutes of Nebraska, 1943; to

change requirements for licensure as prescribed; and to repeal the original section.

LEGISLATIVE BILL 868. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to the Nebraska Workers Compensation Court; to amend sections 48-152 and 48-153, Revised Statutes Supplement, 1986; to provide for an additional judge; and to repeal the original sections.

LEGISLATIVE BILL 869. Introduced by Wesely, 26th District; Weihing, 48th District.

A BILL FOR AN ACT relating to osteopathy; to amend section 44-2804, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 870. Introduced by R. Johnson, 34th District; Moore, 24th District.

A BILL FOR AN ACT relating to agriculture; to restrict actions by persons coming onto land for the purpose of gleaning agricultural or farm products; to restrict actions arising on you-pick operations; and to define terms.

LEGISLATIVE BILL 871. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3005, 2-3008, 2-3108 to 2-3110, 2-3501 to 2-3504, 2-3506, 2-3514, 2-3517, 2-3519 to 2-3524, 2-4301, 2-4326, and 81-2,162.14, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3914, 2-3917, 2-3928, 2-3937.01, 2-3938, 2-3941, and 2-3945, Revised Statutes Supplement, 1986; to provide powers and duties for the Department of Agriculture and county attorneys; to create a fund; to provide for a hearing; to provide fees; to eliminate a special fund; to delete obsolete language; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 872. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Grain Warehouse Act; to amend section 88-527, Reissue Revised Statutes of Nebraska, 1943; to require a license as prescribed; and to repeal the original section.

LEGISLATIVE BILL 873. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1987; to redefine a term; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 874. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to agriculture; to adopt the Plant Protection and Plant Pest Act; to eliminate provisions relating to the eradication of plant diseases, and insect and animal pests; to eliminate the Insect Pest and Plant Disease Administrative Cash Fund; to provide an operative date; to provide severability; and to repeal sections 2-1001 to 2-1015, 2-1021 to 2-1038, and 2-1046 to 2-1059, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1016, 2-1017, 2-1019 to 2-1020, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 875. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to labor; to provide leaves of absence for private employees serving in public offices as prescribed.

LEGISLATIVE BILL 876. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-611, Revised Statutes Supplement, 1987; to change a provision relating to issuing a bad check; and to repeal the original section.

LEGISLATIVE BILL 877. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to building and loan associations; to amend sections 8-331 and 8-343, Reissue Revised Statutes of Nebraska, 1943; to provide for the establishment of branch offices of building and loan associations within this state and foreign states; to provide for the establishment of branch offices in this state by foreign building and loan associations and establish requirements therefor; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 878. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to fees; to amend section 33-117, Revised Statutes Supplement, 1987; to change certain sheriffs fees as

prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 879. Introduced by Wesely, 26th District; Morehead, 30th District.

A BILL FOR AN ACT relating to school retirement; to amend sections 79-1522.01, 79-1531, 79-1533, 79-1540, 79-1549, 79-1558, 79-1560, and 84-1503, Reissue Revised Statutes of Nebraska, 1943; to change retirement benefits as prescribed; to change contribution provisions; to provide powers and duties; to change funding provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 880. Introduced by Beyer, 3rd District; Pirsch, 10th District; Langford, 36th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to naturopathic medicine; to amend sections 28-1437, 44-513, 71-102, 71-107, 71-112, 71-131, 71-139, 71-174, 71-178, 71-1,103, 71-1,132.05, 71-1,132.06, 71-1,138, 71-1,240, 71-2702, and 71-2802, Reissue Revised Statutes of Nebraska, 1943, section 33-150, Revised Statutes Supplement, 1986, and sections 48-120, 71-101, 71-110, 71-113, and 71-162, Revised Statutes Supplement, 1987; to provide for the licensing of naturopathic physicians; to define terms; to provide powers and duties; to require continuing education as prescribed; to provide exceptions; to create a fund; to provide a penalty; to create the Board of Examiners in Naturopathic Medicine; to provide examinations; to provide fees; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 881. Introduced by Abboud, 12th District; Goodrich, 20th District; Schellpeper, 18th District; Lynch, 13th District; Morehead, 30th District.

A BILL FOR AN ACT relating to paupers and public assistance; to amend sections 68-132, 68-137, and 68-139, Reissue Revised Statutes of Nebraska, 1943; to provide a work-relief program as prescribed; to define terms; to provide rules and regulations; to provide suspension of assistance as prescribed; to provide construction of sections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 882. Introduced by Conway, 17th District; Scofield, 49th District; Bernard-Stevens, 42nd District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to low-level radioactive waste facilities; to amend section 81-1578, Reissue Revised Statutes of Nebraska, 1943; to require public identification of a proposed site; to provide for a special election; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 883. Introduced by R. Johnson, 34th District; Conway, 17th District; Landis, 46th District; Lynch, 13th District; Remmers, 1st District.

A BILL FOR AN ACT relating to the Attorney General; to establish an agriculture division as prescribed.

LEGISLATIVE BILL 884. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 1987; to adopt updated federal regulations relating to motor carrier safety and hazardous materials; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 885. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-6,183, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty for drivers of vehicles with excess loads as prescribed; and to repeal the original section.

LEGISLATIVE BILL 886. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to partnerships and corporations; to amend sections 21-2070, 21-2071, 21-2075, 21-2076, 25-530.08, 67-233 to 67-236, 67-240 to 67-258, 67-260 to 67-265, 67-267, 67-269 to 67-274, 67-276, 67-278 to 67-281, 67-283 to 67-286, 67-288, 67-289, and 67-293 to 67-296, Reissue Revised Statutes of Nebraska, 1943; to change merger and consolidation provisions for corporations; to change provisions for the appointment of agents for limited partnerships; to change provisions relating to limited partnerships and foreign limited partnerships; to provide for restated certificates of limited partnership; to provide for merger and consolidation of

limited partnerships and other associations; to rename an act; to eliminate certain record requirements and obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 67-237, 67-292, and 67-297, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 887. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to the Protection from Domestic Abuse Act; to amend sections 42-901, 42-905, and 42-924 to 42-926, Reissue Revised Statutes of Nebraska, 1943; to provide an additional support service; to change provisions relating to restraining orders; to authorize courts to grant additional orders; to excuse certain costs as prescribed; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 888. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to victims and witnesses of crimes; to amend sections 81-1429, 81-1835, and 81-1844, Reissue Revised Statutes of Nebraska, 1943; to increase a fee in criminal proceedings; to provide for distribution of the fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 889. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to escrow accounts; to amend section 8-330, Reissue Revised Statutes of Nebraska, 1943; to define a term; to require the payment of interest as prescribed; to require an accounting; to provide a penalty; to provide for applicability; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 890. Introduced by Nelson, 35th District; Smith, 33rd District.

A BILL FOR AN ACT relating to the state university and state colleges; to amend sections 85-943 and 85-948, Reissue Revised Statutes of Nebraska, 1943; to eliminate the associate degree program in nursing at the University of Nebraska; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 891. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-402, Reissue Revised Statutes of Nebraska, 1943, and section 60-401, Revised Statutes Supplement, 1987; to provide funding for driver education programs in public schools; to establish standards for driver education programs and instructors; and to repeal the original sections.

LEGISLATIVE BILL 892. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to farm labor contractors; to amend section 48-1703, Revised Statutes Supplement, 1987; to provide a fee and the deposit thereof; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 893. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1213, 28-1236, 28-1247, 81-502.02, 81-502.03, 81-503, 81-505 to 81-506, 81-509, 81-513, 81-514, 81-520, and 81-527, Reissue Revised Statutes of Nebraska, 1943, and section 28-1241, Revised Statutes Supplement, 1986; to define and redefine terms; to correct internal references; to provide powers and duties; to change provisions relating to fireworks; to change provisions relating to the Nebraska Fire Safety Appeals Board; to provide fees for certain information releases; to authorize the closing of unsafe buildings as prescribed; to eliminate a provision authorizing county boards to remove dangerous explosives; to eliminate a restriction on toy revolvers and blank cartridges; to eliminate provisions on electrical inspections in rural areas and on farmsteads; to harmonize provisions; and to repeal the original sections, and also sections 23-335, 28-1243, and 81-539 to 81-541, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 894. Introduced by Schellpeper, 18th District; McFarland, 28th District.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-2704, Revised Statutes Supplement, 1987; to grant a sales tax exemption to the State Board of Agriculture; and to repeal the original section.

LEGISLATIVE BILL 895. Introduced by Hall, 7th District; Labedz, 5th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.01, Revised Statutes Supplement, 1987; to provide a deduction from income for certain educational expenses; to define terms; and to repeal the original section.

LEGISLATIVE BILL 896. Introduced by Baack, 47th District; Ashford, 6th District; Withem, 17th District.

A BILL FOR AN ACT relating to private, denominational, and parochial schools; to amend section 79-1701, Reissue Revised Statutes of Nebraska, 1943; to require plans and evaluations for handicapped students as prescribed; and to repeal the original section.

ANNOUNCEMENT

Mr. Hall announced the Business and Labor Committee will meet for a short meeting on Friday, January 8th in the Senators Lounge upon adjournment around 12:00 noon.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 428 in the Journal. No objections. So ordered.

AM1558

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature hereby finds and declares that head injuries that occur to motorcyclists which could be prevented or lessened by the wearing of helmets are a societal problem and that the financial and emotional costs of such injuries cannot be viewed solely on a personal level. It is the intent of the Legislature to prevent injuries and fatalities which occur due to motorcycle accidents and to prevent the subsequent damage to society which results due to the cost of caring for injured people, the pain and suffering which accompanies such injuries and fatalities, and the loss of productive members of society from such injuries.

Sec. 2. Commencing January 1, 1989, a person shall not operate or be a passenger on a motorcycle or moped on any highway, as defined in section 39-602, in

this state unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, visor, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. section 571.218, for motorcycle helmets.

Sec. 3. The Department of Motor Vehicles shall within sixty days after the effective date of this act publish a list of approved protective helmets which meet the requirements of section 2 of this act. Such list shall not be inclusive. Any person wearing a protective helmet which meets the requirements established pursuant to section 2 of this act shall be deemed to be in compliance with this act.

Sec. 4. Any person using a protective helmet purchased prior to the effective date of this act which is labeled to show that it conforms with applicable federal motor vehicle safety standards shall be deemed to be in compliance with section 2 of this act.

Sec. 5. Any person who violates section 2 of this act shall be guilty of a traffic infraction and shall be fined fifty dollars.

Sec. 6. That section 39-669.26, Revised Statutes Supplement, 1987, be amended to read as follows:

39-669.26. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the Director of Motor Vehicles. The following point system shall be adopted.

(1) Conviction of motor vehicle homicide -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 39-669.07, as disclosed by the records of the director,

regardless of whether the trial court found the same to be a third offense -- 12 points;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another -- 6 points;

(4) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or urine or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section 39-669.07 -- 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 39-669.03 or 39-669.05 -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 39-669 -- 4 points;

(8) Negligent driving in violation of any city or village ordinance -- 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 39-669.01 -- 5 points;

(10) Speeding in violation of any city or village ordinance or of section 39-662, 39-663, or 39-666: (a) Not more than five miles per hour over the speed limit -- 1 point; (b) more than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; and (c) more than ten miles per hour over the speed limit -- 3 points, except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of

exceeding by more than fifteen miles per hour the speed limits provided for in subdivision (2)(c), (d), or (f) of section 39-662 or subdivision (1)(c), (d), (e), or (g) or (3)(c), (d), or (h) of section 39-666;

(11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian -- 2 points;

(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian -- 4 points; and

(13) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 39-669.22 and 39-669.23, not including parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle or moped protective helmet violations, or overloading of trucks -- 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 39-669.37.

In all cases, the forfeiture of bail not vacated shall be regarded as equivalent to the conviction of the offense with which the operator was charged.

Sec. 7. That original section 39-669.26, Revised Statutes Supplement, 1987, is repealed.".

Messrs. L. Johnson, Goodrich, Hannibal, Remmers, and Mrs. Labedz asked unanimous consent to print the following amendment to LB 488 in the Journal. No objections. So ordered.

AM1564

1. Strike the original sections and insert the following new sections:

"Section 1. (1) Notwithstanding any other provision of law, local ordinance or regulation, or any other rule or regulation to the contrary, the funds of this state or any political subdivision of the state may be deposited, by the appropriate custodians of such funds, with capital stock financial institutions to the same extent and subject to the same terms, conditions,

and limitations, including collateralization required, if any, as may be otherwise provided for the deposit of such funds in banks. Capital stock financial institutions shall include state and national banks, capital stock state building and loan associations, capital stock federal savings and loan associations, capital stock federal savings banks, and capital stock state savings banks. To the extent any deposit in any bank is:

(a) Required to be insured by the Federal Deposit Insurance Corporation, then such insurance may instead be provided by the Federal Savings and Loan Insurance Corporation;

(b) Required to be subject to check or draft, then such deposit may be subject to order; and

(c) Required to be made, maintained, or otherwise dealt with by reference to the capital of any bank, then it may be so made, maintained, or dealt with by reference to the capital or net worth of such financial institution, and if by reference to the undivided profits, capital notes, debentures, or other capital items of any bank, then to any unimpaired reserves, capital notes, and debentures or comparable capital items of such other financial institution.

(2) To the extent the state or any political subdivision is or may ever be required by any law to deposit funds in any bank, the state or any such political subdivision shall, to the same extent and subject to the same terms, conditions, and limitations, including collateralization required, be required to make deposits in any capital stock financial institution on the same basis.

(3) This section shall be applied in a manner consistent with the intention of the Legislature, which is to provide for the deposit of funds of the state and any political subdivision in capital stock financial institutions.

Sec. 2. In any section of the law dealing with the deposit of funds of any political subdivision, the term capital stock financial institution, as defined in section 1 of this act, shall be substituted for the term bank so long as the result is not inconsistent with the intention of this act.

Sec. 3. This act shall become operative on

January 1, 1990.

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.".

VISITORS

Visitors to the Chamber were Dr. D. E. Michels, and Adjutant General Stan Heng and Deputy Adjutant General Fran Laden of the Nebraska National Guard.

RECESS

At 12:04 p.m., on a motion by Mrs. Campbell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Conway, Peterson, Schmit, and Mrs. Morehead who were excused until they arrive.

PRESIDENT NICHOL PRESIDING

COMMITTEE ON COMMITTEE REPORT

Pursuant to Rule 3, Section 2(d) of the Nebraska Unicameral Legislature adopted January 6, 1987, the Committee on Committees reports the following committee assignments as a result of the resignation of Lee Rupp, District 22, and the resignation of James E. Pappas, District 42.

The Committee on Committees met at 8:30 A.M. on January 6, 1988 to fill vacancies of the 3rd and 4th District caucuses. The Committee on Committees approved the selection of Senator Dierks to the 3rd District caucus and Senator Lamb to the 4th District caucus of the Committee on Committees. The committee further reports the following committee appointments.

John L. Weihing: Banking, Commerce and Insurance
David Bernard-Stevens: Agriculture; Health and Human Services; General Affairs
Helen H. Campbell: Government, Military and Veterans Affairs; Transportation

(Signed) Lowell Johnson, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 897. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to oil and gas; to require licenses and certificates as prescribed; to provide a fee; to provide suspension or revocation as prescribed; to provide rules and regulations; to provide a penalty; and to define terms.

LEGISLATIVE BILL 898. Introduced by Morehead, 30th District.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-3301, Reissue Revised Statutes of Nebraska, 1943; to exempt multihandicapped-profoundly retarded children from certain services as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 899. Introduced by Judiciary Committee, Chizek, 31st District, Chairperson; Ashford, 6th District; Nelson, 35th District; Pirsch, 10th District; Korshoj, 16th District; McFarland, 28th District; Conway, 17th District; Chambers, 11th District.

A BILL FOR AN ACT relating to intercepted communications; to amend sections 86-701 to 86-705 and 86-707, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to unlawful acts; to permit certain acts relating to intercepted communications; to change provisions relating to the granting of orders to intercept communications; to change provisions relating to the privileged use of intercepted communications; to change provisions relating to orders for intercepting communications; to prohibit the manufacture, distribution, and possession of certain intercepting devices; to provide for the recovery of civil damages as prescribed; to authorize pen register and trap and trace devices as prescribed; to prohibit the interference of satellite transmissions; to

authorize warrants for mobile tracking devices; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 900. Introduced by Morehead, 30th District.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-301, Revised Statutes Supplement, 1987; to change the words printed on license plates of farm trucks; and to repeal the original section.

LEGISLATIVE BILL 901. Introduced by General Affairs Committee, Morehead, 30th District, Chairperson; Weihing, 48th District; Higgins, 9th District; Smith, 33rd District; Miller, 37th District; Hartnett, 45th District; Elmer, 38th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Reissue Revised Statutes of Nebraska, 1943, section 53-160, Revised Statutes Supplement, 1986, and section 53-103, Revised Statutes Supplement, 1987; to harmonize provisions; to redefine a term; to require licensure and labeling of certain confections and candy as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 902. Introduced by General Affairs Committee, Morehead, 30th District; Weihing, 48th District; Higgins, 9th District; Smith, 33rd District; Miller, 37th District; Hartnett, 45th District; Elmer, 38th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-114, 53-115, 53-117, 53-122, 53-123.04, 53-129, 53-138.01, 53-159, 53-174, and 53-175, Reissue Revised Statutes of Nebraska, 1943, sections 53-123.12, 53-124, 53-132, 53-133, 53-134, 53-160, 53-171, and 53-1,116, Revised Statutes Supplement, 1986, and section 53-103, Revised Statutes Supplement, 1987; to redefine terms; to change a provision relating to commission meetings; to change a provision relating to compensation of assistant attorneys general; to change certain commission powers and duties; to change a provision relating to elections for sale of liquor by the drink; to change provisions relating to farm winery, retail, and bottle club licenses and the issuance of certain other licenses as prescribed; to change a provision relating to near beer; to change provisions relating to hearings and appeals; to harmonize provisions; and to

relating to hearings and appeals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 903. Introduced by Coordsen, 32nd District; Morehead, 30th District.

A BILL FOR AN ACT relating to county roads; to amend sections 39-1817 and 39-1818, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the construction of water impoundment structures; and to repeal the original sections.

LEGISLATIVE BILL 904. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to schools and school districts; to authorize additional contracts for nonteaching services as prescribed; and to declare an emergency.

LEGISLATIVE BILL 905. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to state universities and state colleges; to amend sections 85-113 and 85-311, Reissue Revised Statutes of Nebraska, 1943; to provide free tuition for persons sixty or older as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 906. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to court reporters; to amend section 24-342.02, Reissue Revised Statutes of Nebraska, 1943; to authorize fees for the services of court reporters as prescribed; and to repeal the original section.

LEGISLATIVE BILL 907. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to court reporters; to amend section 24-342, Reissue Revised Statutes of Nebraska, 1943; to eliminate court reporter fees; and to repeal the original section.

LEGISLATIVE BILL 908. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to divorce and alimony; to amend section 42-347, Revised Statutes Supplement, 1987; to authorize name changes during the pendency of certain proceedings; and to repeal the original section.

LEGISLATIVE BILL 909. Introduced by Wehrbein, 2nd District; Remmers, 1st District.

A BILL FOR AN ACT relating to holidays; to amend sections 25-2221 and 62-301, Reissue Revised Statutes of Nebraska, 1943; to change the observance of Arbor Day; and to repeal the original sections.

LEGISLATIVE BILL 910. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to cities; to amend sections 19-405 and 19-406, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the time of and filing requirements for primary elections in cities with a commission form of government; and to repeal the original sections.

LEGISLATIVE BILL 911. Introduced by Elmer, 38th District; Hefner, 19th District; Peterson, 21st District; Schellpeper, 18th District; Weihing, 48th District.

A BILL FOR AN ACT relating to noxious weeds; to amend sections 2-946.01, 2-956, 2-959, 11-119, 23-922, 32-421.01, 72-240.08, 72-240.09, and 85-162.03, Reissue Revised Statutes of Nebraska, 1943, and sections 2-946.02, 2-952, 2-954.02, 2-957, 2-958, 2-961, and 2-963, Revised Statutes Supplement, 1987; to adopt the Noxious Weed Control Act; to change and eliminate provisions relating to noxious weeds; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 2-953, 2-954, 2-955, 2-960, 2-962, and 2-966, Revised Statutes Supplement, 1987.

LEGISLATIVE BILL 912. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to not-for-profit organizations; to amend section 25-21,190, Revised Statutes Supplement, 1987; to redefine not-for-profit organization; and to repeal the original section.

LEGISLATIVE BILL 913. Introduced by Conway, 17th District; Ashford, 6th District.

A BILL FOR AN ACT relating to loans; to amend section 45-1,104, Reissue Revised Statutes of Nebraska, 1943, and section 8-820, Revised Statutes Supplement, 1986; to change a provision relating to

fees and costs on certain loans as prescribed: to change a provision relating to the rejection of federal interest rate limits; and to repeal the original sections.

LEGISLATIVE BILL 914. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.07, Revised Statutes Supplement, 1987; to adopt the Agricultural Products Development Act; to provide income tax credits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 915. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to economic development; to amend section 77-2716, Revised Statutes Supplement, 1987; to adopt the Small Business Incubators Incentives Act; to provide certain income tax adjustments; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 916. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to schools; to amend section 79-1335, Reissue Revised Statutes of Nebraska, 1943; to create a commission; to provide powers and duties; to provide financing for certain school districts as prescribed; to create a fund; to change eligibility requirements for certain aid payments; to make an appropriation; and to repeal the original section.

LEGISLATIVE BILL 917. Introduced by Landis, 46th District; Wesely, 26th District.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend section 81-8,239.02, Reissue Revised Statutes of Nebraska, 1943; to provide indemnification of officers, directors, and employees of the Nebraska State Historical Society as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 918. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to tort claims; to amend section 23-2409, Revised Statutes Supplement, 1986, and section 23-2420, Revised Statutes Supplement, 1987; to provide immunity from liability for political subdivisions and their employees for acts and

omissions related to inspections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 919. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend sections 44-4313 and 44-4320, Revised Statutes Supplement, 1987; to change a provision relating to the investment of funds; to change a provision relating to the computation of annual payments to the Department of Insurance and the disposition of the proceeds; and to repeal the original sections.

LEGISLATIVE BILL 920. Introduced by Conway, 17th District; Ashford, 6th District.

A BILL FOR AN ACT relating to the Nebraska Business Corporation Act; to amend sections 21-2001 and 21-2056, Reissue Revised Statutes of Nebraska, 1943; to define a term; to authorize a limitation of liability of a corporate director as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 921. Introduced by Ashford, 6th District; Conway, 17th District.

A BILL FOR AN ACT relating to accountants; to limit the liability of accountants as prescribed; and to provide an operative date.

LEGISLATIVE BILL 922. Introduced by Remmers, 1st District; Dierks, 40th District; Coordsen, 32nd District; Conway, 17th District.

A BILL FOR AN ACT relating to veterans homes; to amend sections 80-304, 80-305, 80-307, 83-107.01, 83-108, and 83-124, Reissue Revised Statutes of Nebraska, 1943; to transfer the administration of veterans homes to the Department of Veterans Affairs; to change membership on the Board of Inquiry and Review; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 923. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to the Equal Opportunity Commission; to amend section 48-1116, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement,

1986; to redefine a term; to increase compensation of members as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 924. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to court reporters; to amend section 24-342.02, Reissue Revised Statutes of Nebraska, 1943; to provide court reporter services at no cost as prescribed; and to repeal the original section.

LEGISLATIVE BILL 925. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to personal property taxes; to amend section 77-1716, Reissue Revised Statutes of Nebraska, 1943; to require notice to lienholders of taxes due as prescribed; to provide a fee; and to repeal the original section.

LEGISLATIVE BILL 926. Introduced by Landis, 46th District; Warner, 25th District; Marsh, 29th District; McFarland, 28th District; Johanns, 27th District; Hartnett, 45th District; Hall, 7th District.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-4,154, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the funding of lease-purchase agreements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 927. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-910, 85-913, 85-937, 85-968, 85-969, 85-971, 85-973, 85-974, and 85-9,105, Reissue Revised Statutes of Nebraska, 1943; to change references to the system which provides educational data as prescribed; to eliminate certain duties of the Performance Review and Audit Committee; to harmonize provisions; and to repeal the original sections, and also sections 85-975 to 85-979, Reissue Revised Statutes of Nebraska, 1943.

RESOLUTIONS

LEGISLATIVE RESOLUTION 247CA. Introduced by Withem, 14th 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 NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 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:

CVII-10 "The general government of the University of Nebraska shall, 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, until 1990, shall be 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.

Commencing in 1990, members of the Board of Regents shall be appointed by the Governor. The Governor shall appoint eight members to serve on the board. Such appointed members shall be selected from their respective regent districts as such districts exist at

the time of their appointment. Appointments to the board shall be approved and ratified by the Legislature and the terms of such appointments shall be for six years, except that of the members initially appointed, two members shall serve for two years, three members shall serve for four years, and three members shall serve for six years, as the Governor shall determine. The nonvoting student positions shall be retained. The duties and powers of the members 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.".

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 the appointment by the Governor subject to ratification by the Legislature of members of the Board of Regents of the University 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 Reference Committee.

LEGISLATIVE RESOLUTION 248CA. Introduced by Hall, 7th District.

A Resolution to propose an amendment to Article III, sections 2 and 3, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 2 and 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CIII-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be

set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the ~~electors~~ registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten per cent of such ~~electors~~ registered voters. In all cases the ~~electors~~ registered voters signing such petition shall be so distributed as to include five per cent of the ~~electors~~ registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State, who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, oftener than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.

CIII-3 The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five per cent of the ~~electors~~ registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked, and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked, as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten per cent of the ~~electors~~ registered voters of the state , distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.".

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 that only registered voters, instead of electors, may sign petitions for initiatives or referendums.

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 Reference Committee.

LEGISLATIVE RESOLUTION 249CA. Introduced by R. Johnson, 34th District; Lamb, 43rd District; Moore, 24th District.

A Resolution to propose an amendment to Article VIII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CVIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that: (1) The ~~the~~ Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall

be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of the ~~said~~ county on personal tangible property; and (2) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, used for agricultural and horticultural purposes shall constitute a separate and distinct class of property for purposes of taxation and may provide that agricultural land and horticultural land be assessed for purposes of taxation by a method which results in values which are not uniform or proportionate with other classes or subclasses of property. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses, and prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. ~~The Legislature may provide that agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of taxation.~~ Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.".

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 authorize the Legislature to provide that agricultural land and horticultural land used for agricultural and horticultural purposes constitutes a separate and distinct class of property for purposes of taxation and that such land may be assessed by a method which results in values that are not uniform and proportionate with other classes or subclasses of

property and to eliminate a provision providing for separate and distinct classification of such property.

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 Reference Committee.

LEGISLATIVE RESOLUTION 250CA. Introduced by Peterson, 21st District.

A Resolution to propose the repeal of Article III, section 15, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval of the repeal of Article III, section 15, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Article III, section 15, 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:

"A constitutional amendment to eliminate the privilege of members of the Legislature to be free from certain arrests during the legislative 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 Reference Committee.

LEGISLATIVE RESOLUTION 251CA. Introduced by Peterson, 21st District.

A Resolution to propose an amendment to Article III, section 15, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 15, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CIII-15. "Members of the Legislature in all cases except treason, felony, or breach of the peace, shall be privileged from arrest during ~~the~~ any session of the Legislature, and for fifteen days next before the commencement and after the termination thereof. Members of the Legislature may be issued a citation in lieu of arrest for any misdemeanor or infraction, including, but not limited to, a traffic infraction, at any time, but shall not be required to appear in court for the offense during any session of the Legislature and for fifteen days next before the commencement and after the termination of the session.".

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 that members of the Legislature may be issued citations in lieu of arrest for traffic infractions at any time but may be exempt from appearing in court at certain times.

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 Reference Committee.

LEGISLATIVE RESOLUTION 252CA. Introduced by Schellpeper, 18th District; Hall, 7th District; Hartnett, 45th District; Haberman, 44th 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 NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 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:

CIII-24 "The Legislature shall not authorize any game of chance, ~~nor any~~ lottery, or gift enterprise ~~where~~ when the consideration for a chance to participate involves the payment of money for the purchase of property, services, a chance, or an admission ticket, or requires an expenditure of substantial effort or time, except ~~; 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 and shall establish a state lottery.

The Legislature shall establish a state lottery program to (1) raise revenue in the most efficient manner available and (2) ensure that the lottery is adequately policed and regulated. The net proceeds of such lottery shall be appropriated by the Legislature for the benefit of education in the state. Fifty percent of such proceeds shall be distributed as aid to local school districts, and fifty percent of such proceeds shall be used in support of higher education as determined by the Legislature.

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. Bingo ~~; PROVIDED, bingo~~ games ~~cannot~~ may not 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:

"A constitutional amendment to direct the Legislature to establish a state lottery and to provide that the proceeds of the lottery would be used for education.

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 Reference Committee.

LEGISLATIVE RESOLUTION 253CA. Introduced by Pirsch, 10th District; McFarland, 28th District; Chambers, 11th District; Ashford, 6th District.

A Resolution to propose an amendment to Article VI, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VI, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CVI-1 "Every citizen of the United States~~,~~ who has attained the age of eighteen years~~,~~ on or before the first Tuesday after the first Monday in November and has resided within the state and the county and voting precinct for the terms ~~provide~~ provided by law~~,~~ shall, except as provided in section 2 of this article, be an elector for the calendar year in which such citizen has attained the age of eighteen years and for all succeeding calendar years.".

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 permit persons who have attained the age of eighteen years on or before the first Tuesday after the first Monday in November to vote in the calendar year in which such persons attain the age of eighteen years.

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 Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 928. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to marriage; to amend section 42-121, Revised Statutes Supplement, 1986; to require a test for acquired immunity deficiency syndrome as prescribed; and to repeal the original section.

LEGISLATIVE BILL 929. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to the Nebraska Bingo Act; to amend sections 9-209 and 9-234, Revised Statutes Supplement, 1986; to redefine a term; to permit certain persons to provide bingo supplies or equipment without a license; and to repeal the original sections.

LEGISLATIVE BILL 930. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to foster family homes; to amend section 81-505.01, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1902 and 71-1903, Revised Statutes Supplement, 1987; to change provisions relating to fees for such homes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 931. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-230, 16-231, and 16-246, Reissue Revised Statutes of Nebraska, 1943; to provide jurisdiction over areas outside the corporate limits of the city as prescribed; and to repeal the original sections.

MOTION - Adopt Permanent Rules

Mr. Lynch renewed his pending motion to adopt the permanent rules.

The Rules Committee offered the following amendment to the rules: Amend Rule 5, Sec. 6(d)

(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~~ at least twenty-four hours prior to the public hearing on the bill or, in the event the bill is referred directly to General File, twenty-four hours prior to the first consideration of the bill on General File. The Clerk shall present the fiscal note to the Principal Introducer. If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, he or she shall present to the Principal Introducer an unofficial summary of all available fiscal information on the bill by this deadline and deliver to the Clerk the fiscal note when it is available. The Clerk shall attach the fiscal note to the bill and to all copies.

The amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Rules Committee offered the following amendment to the rules: Amend Rule 4, Sec. 5

Sec. 5. Vote Required for Adoption. All resolutions shall be adopted by an affirmative vote of a majority of the ~~elected~~ members present and voting except for those specified in Section 2; provided, upon the request by any members prior to the commencement of the vote, a resolution shall require an affirmative vote of a majority of the elected members. Resolutions specified in Section 2 shall be considered and adopted in the same manner as bills.

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 8, Sec. 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 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 appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all ~~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 appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations 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 appropriations bills as introduced by the Governor. During a 60 day session, 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; all tax expenditure bills; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations 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. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

The amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

The Rules Committee offered the following amendment to the rules:
Amend Rule 7, Sec. 5

Sec. 5. Call of the House. A call of the house may be made by any member immediately prior to a closing statement, immediately prior to a vote, or during a vote, provided, the vote has not been announced. The motion shall be made in the manner following: "I move for a call of the house." 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 or her presence upon the electric roll call system and shall remain in his or her 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.~~

Mr. McFarland offered the following amendment to the pending amendment:

that proposed rule #20 be amended to exclude the underlined language "immediately prior...motion shall be made"

Mr. Moore 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. McFarland moved for a call of the house. The motion prevailed with 18 ayes, 8 nays, and 23 not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Ashford	Conway	Hannibal	Lamb	Schellpeper
Baack	Coordsen	Hartnett	Langford	Scofield
Beyer	Dierks	Hefner	McFarland	Warner
Chambers	Haberman	Higgins	Morehead	Wehrbein
Chizek	Hall	Korshoj	Remmers	Weihing

Voting in the negative, 22:

Abboud	Elmer	Labedz	Moore	Schmit
Barrett	Goodrich	Landis	Nelson	Smith
Bernard-Stevens	Johanns	Lynch	Pirsch	Wesely
	Johnson, L.	Marsh	Rogers	Withem
Campbell	Johnson, R.	Miller		

Excused and not voting, 2:

Johnson, V. Peterson

The McFarland amendment was adopted with 25 ayes, 22 nays, and 2 excused and not voting.

The Chair declared the call raised.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Moore 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 pending amendment, as amended, was adopted with 28 ayes, 2 nays, 16 present and not voting, and 3 excused and not voting.

MOTION - Reconsider Action on Rules

Mr. Schmit moved to reconsider the vote on the Rules Committee amendment to Rule 8, Sec. 5.

Mr. Schmit moved for a call of the house. The motion lost with 8 ayes, 11 nays, and 30 not voting.

The Schmit motion to reconsider lost with 4 ayes, 20 nays, 23 present and not voting, and 2 excused and not voting.

MOTION - Adopt Permanent Rules

Mr. Lynch renewed his pending motion to adopt the pending rules.

The Rules Committee offered the following amendment to the rules:

PROPOSED RULE CHANGE

Strike Rule 4, Section 3 and insert:

Section 3. Study Resolutions: Introduction; Referral; Standing Committees; Select Committees; Results.

(A) Any Senator or committee may introduce resolutions proposing interim studies. The resolutions shall be submitted to the Clerk of the Legislature on a form prescribed by the Clerk, printed in the journal, and referred to the Executive Board.

(B) Study resolutions may be introduced up to the 80th legislative day in odd number years and the 50th legislative day in even number years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate

standing committees or to select interim committees created by it to conduct such studies.

(C) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee shall file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for the interim studies referenced to such committee. This study plan shall be filed no later than thirty days after adjournment sine die. Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose Senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject matter jurisdiction.

(D) The Executive Board may, on its own behalf, conduct interim studies or create select interim committees to do so. Before creating a select interim committee, the Board shall consider whether the subject matter proposed for study by such a committee lies within the jurisdiction of one or more standing committee. To the extent possible, the jurisdiction of a select interim committee created by the Board shall be limited to subject matters that do not lie wholly within the jurisdiction of one or another standing committee. Membership on a select interim committee shall, to the extent possible, include Senators who are both interested in serving on such a committee and are from the standing committees that have the most direct concern with the subject matter proposed for study. Select interim committees shall meet no later than five legislative days prior to adjournment sine die to organize and to review study plans. Staff to select interim committees shall be drawn from the Legislature's division staffs (e.g., fiscal, research, bill drafting), be based upon a joint plan submitted to the Executive Board by the division directors, may include other interested legislative staff, and shall be coordinated by the Legislative Research Division, and the chairpersons of the standing committees involved with the select interim committee.

(E) The Executive Board shall retain its traditional prerogatives to consider and refer study proposals arising from extraordinary circumstances after the deadlines established in this section.

(F) The chief sponsor of a study resolution, if not otherwise a member of the committee to which the resolution is referred, shall be an ex officio member of the committee during and only for the conduct of the study.

(G) On or before December 1 of each year, each standing and select interim committee shall file a report, on a form prescribed by the Clerk, with the Executive Board on the disposition of the study resolutions referred to them. These reports shall be printed in the Journal at the beginning of the next session of the Legislature.

(H) The results or final reports of studies conducted by standing committees may be prepared in a format of their choosing. Seven copies of each completed standing committee report shall be filed with the Legislative Reference Library. The results or final reports of studies conducted by select interim committees shall be prepared and published in a format prescribed by the Legislative Research Division, and copies of such studies will be indexed and filed with the Legislative Reference Library.

The amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Moore offered the following amendment to the rules:
Amend Rule 7 by adding a new Section 10 to read as follows:

Sec. 10. At any stage of consideration the introducer of the bill or the chairperson of the committee, if it is a committee bill, may move for cloture to the presiding officer after eight hours of debate on the bill, except that appropriations bills introduced by the Appropriations Committee shall be subject to a cloture motion only after twelve hours of debate. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. The vote on the pending amendment or motion shall be taken immediately. Following the vote on the pending matter a vote on the cloture motion shall be taken. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and is not debatable. If the

motion for cloture is successful a vote on the advancement of the bill shall be taken, without debate, immediately thereafter.

A motion for cloture shall have precedence over other motions except a motion to adjourn.

A motion for cloture following an unsuccessful motion for cloture shall not be in order until an additional hour of debate has passed.

A motion to suspend the rules for the purpose of cloture shall not be in order.

Mr. Chambers offered the following amendment to the pending Moore amendment:

1. In line 2, after "bill", add "or any member of the Legislature"

Mr. Chambers withdrew his pending amendment.

Mr. Withem offered the following amendment to the pending Moore amendment:

To add, on line 4 following "bill" the following language "at one stage of consideration"

Mr. Withem withdrew his pending amendment.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore requested a record vote on his amendment to the rules.

Voting in the affirmative, 12:

Abboud	Goodrich	Marsh	Pirsch	Rogers
Chizek	Hefner	Moore	Remmers	Withem
Elmer	Landis			

Voting in the negative, 24:

Baack	Coordsen	Hartnett	Miller	Smith
Barrett	Dierks	Johanns	Morehead	Warner
Bernard-Stevens	Haberman	Johnson, L.	Schellpeper	Wehrbein
	Hall	Korshoj	Schmit	Weihing
Chambers	Hannibal	Labedz	Scofield	Wesely

Present and not voting, 11:

Ashford	Campbell	Higgins	Langford	McFarland
Beyer	Conway	Johnson, R.	Lynch	Nelson

Peterson

Excused and not voting, 2:

Johnson, V. Lamb

The Moore amendment lost with 12 ayes, 24 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Lynch renewed his pending motion to adopt the permanent rules, as amended.

The motion prevailed with 33 ayes, 2 nays, 12 present and not voting, and 2 excused and not voting.

ANNOUNCEMENTS

Mr. Lamb announced the Transportation Committee will meet tomorrow, January 7th at 1 p.m. in the Senators Lounge, to consider committee bills.

Mrs. Labedz announced the Executive Board will meet at 1:15 p.m., Thursday, January 7, in Room 2102 for the purpose of referencing.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 932. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to zoning; to amend section 19-905, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the eligibility of landowners to protest zoning changes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 933. Introduced by Remmers, 1st District.

A BILL FOR AN ACT relating to liens; to amend sections 23-1527, 52-1001 to 52-1004, 52-1006, and 52-1007, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1517.02 and 52-1008, Revised Statutes Supplement, 1986; to change provisions relating to federal tax liens; to provide for the filing of liens for federal obligations; to rename an act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 934. Introduced by Korshoj, 16th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to municipalities; to authorize the collection and removal of garbage and refuse as prescribed.

LEGISLATIVE BILL 935. Introduced by Moore, 24th District; Dierks, 40th District; Langford, 36th District; Elmer, 38th District; Miller, 37th District; Weihing, 48th District; Remmers, 1st District; Beyer, 3rd District; Goodrich, 20th District; Wehrbein, 2nd District; Higgins, 9th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-513 and 44-513.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions authorizing payments for treatment by certain licensed providers; to require similar conditions on payments to certain licensed providers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 936. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-913, 84-915, 84-917, and 84-918, Reissue Revised Statutes of Nebraska, 1943; to provide an election for the place for hearings and appeals; to provide attorneys fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 937. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to utility companies; to amend section 14-1101, Reissue Revised Statutes of Nebraska, 1943, and section 70-625, Revised Statutes Supplement, 1987; to prohibit utility companies from selling, leasing, providing, installing, or repairing household appliances as prescribed; to define terms; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 938. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to corporations; to amend section 21-2079, Revised Statutes Supplement, 1986; to adopt the Control Share Acquisition Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 939. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to the Nebraska Educational Telecommunications Commission; to amend sections 79-2102 and 79-2106, Reissue Revised Statutes of Nebraska, 1943; to change membership; to provide for staggered terms; to repeal provisions governing use of a documentary film; to harmonize provisions; and to repeal the original sections, and also section 79-2115, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 940. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-102, 79-102.01, 79-328, 79-402, 79-402.03, 79-402.04, 79-402.11, 79-426.01, 79-426.02, 79-426.05, 79-426.08, 79-426.17, 79-490, and 79-1247.02, Reissue Revised Statutes of Nebraska, 1943, and section 48-816, Revised Statutes Supplement, 1987; to require accreditation as prescribed; to state intent; to define terms; to require the reorganization of school districts as prescribed; to provide duties; to provide procedures; to authorize new districts as prescribed; to provide for bonded indebtedness of certain school districts; to change membership of a committee; to provide for budgets; to authorize a levy; to authorize the issuance of bonds; to provide residency rights to certain students; to change transportation requirements; to provide for an advisory board; to state intent; to provide for coordination in collective bargaining; to provide a penalty; to repeal provisions for nonresident high school tuition; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 79-436, 79-437, and 79-494 to 79-4,105, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 941. Introduced by Morehead, 30th District.

A BILL FOR AN ACT relating to liquor; to amend section 53-124.11, Reissue Revised Statutes of Nebraska, 1943; to provide a time in which an application for a special permit shall be filed as prescribed; and to repeal the original section.

LEGISLATIVE BILL 942. Introduced by Chizek, 31st District; Hall, 7th District; Ashford, 6th District.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend section 48-816, Revised Statutes Supplement, 1987; to

authorize bargaining units for certain school employees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 943. Introduced by Remmers, 1st District; Rogers, 41st District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to commercial transactions; to amend sections 52-202, 52-501, 52-701, 52-902, 52-1102, 54-201, and 54-208, Reissue Revised Statutes of Nebraska, 1943, sections 52-504, 52-702, 52-905, 52-1104, 52-1202, and 54-209, Revised Statutes Supplement, 1986, sections 52-1312, 52-1315, 52-1402, 52-1407, and 52-1409, Revised Statutes Supplement, 1987, and sections 9-403, 9-404, 9-414, 9-415, and 9-420, Uniform Commercial Code; to change provisions relating to notification of liens; to provide for termination statements as prescribed; to change provisions relating to liability; to change a fee; to provide duties for the Revisor of Statutes; to eliminate provisions relating to the Uniform Commercial Code Filing Council; to harmonize provisions; and to repeal the original sections, and also sections 9-416 to 9-419, Uniform Commercial Code.

LEGISLATIVE BILL 944. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-101, Reissue Revised Statutes of Nebraska, 1943, section 53-180.04, Revised Statutes Supplement, 1986, and section 53-103, Revised Statutes Supplement, 1987; to state intent; to require certain licensees to maintain records of purchasers of certain amounts of beer; to provide a penalty; to provide a warning notice as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 945. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168, Revised Statutes Supplement, 1986; to limit the size of kegs of beer which retailers may sell; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 946. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Chambers, 11th District; Conway, 17th District; Korshoj, 16th District; McFarland, 28th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to constables; to amend sections 11-119, 14-606, 16-323, 17-118, 23-1802, 23-1803, 23-1811, 24-595,

24-5,100, 24-5,101, 25-1230, 25-1232, 28-927, 28-1305, 29-205, 29-401, 29-406, 29-407, 29-413, 29-2403, 29-2701, 29-2815, 32-464, 32-465, 32-466, 37-603, 37-606, 37-609, 37-913, 39-683, 49-801, 53-197, 54-705, 60-109, 75-334, 79-453, and 83-1011, Reissue Revised Statutes of Nebraska, 1943, and sections 15-326, 32-1221, and 39-6,104, Revised Statutes Supplement, 1986, and section 23-1801, Revised Statutes Supplement, 1987; to eliminate certain powers of constables; to harmonize provisions; and to repeal the original sections, and also section 29-204, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 947. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Conway, 17th District; Korshoj, 16th District; McFarland, 28th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to forcible entry and detainer; to amend section 24-573, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the service of summons; and to repeal the original section.

LEGISLATIVE BILL 948. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Conway, 17th District; Korshoj, 16th District; McFarland, 28th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to foster care; to amend section 43-1314, Revised Statutes Supplement, 1986; to change the manner of providing a notice as prescribed; and to repeal the original section.

LEGISLATIVE BILL 949. Introduced by General Affairs Committee: Morehead, 30th District, Chairperson; Elmer, 38th District; Hartnett, 45th District; Miller, 37th District; Smith, 33rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to liquors; to amend sections 53-101, 53-123.04, 53-130, 53-135, 53-135.01, 53-138.01, 53-138.02, 53-140.01, 53-159, 53-174, 53-175, 53-179, 53-183, and 53-186.01, Reissue Revised Statutes of Nebraska, 1943, sections 53-102, 53-117.03, 53-117.04, 53-123.12, 53-124, 53-125, 53-131, 53-134, 53-160, 53-164.01, 53-168, 53-168.05, and 53-194.03, Revised Statutes Supplement, 1986, and section 53-103, Revised Statutes Supplement, 1987; to rename an act; to provide certain exceptions to prohibitions on the sale of alcoholic liquor; to redefine terms; to change license and registration fees and to provide additional methods of payment; to change provisions relating to the rights of retail licensees as prescribed; to eliminate certain bond requirements; to change

provisions relating to qualifications for licensure; to change a provision relating to citizen complaints; to provide a penalty for late payment of certain fees; to provide for renewal of certain licenses; to change certain penalties; to change a provision relating to certain taxes as prescribed; to change a provision relating to certain unlawful acts; to change a provision relating to the purchase of alcoholic liquor by certain retailers; to provide for additional liquor sales on Sunday; to change a provision relating to the transportation of alcoholic liquor into the state; to provide for the sale or dispensing of alcoholic liquor in guest rooms in certain circumstances; to eliminate intent; to eliminate certain restrictions as to the locality of retail liquor establishments; to harmonize provisions; and to repeal the original sections, and also section 53-177, Reissue Revised Statutes of Nebraska, 1943, and section 53-168.01, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 950. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to drainage; to amend sections 31-134 and 31-226, Reissue Revised Statutes of Nebraska, 1943; to change certain penalty provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 951. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to construction liens; to amend section 52-125, Reissue Revised Statutes of Nebraska, 1943; to provide for arbitration upon recording such lien; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 952. Introduced by Coordsen, 32nd District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to amend section 77-27,148, Reissue Revised Statutes of Nebraska, 1943; to exempt farm machinery and farm equipment from the sales and use tax as prescribed; to provide for rules and regulations; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 953. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to irrigation; to amend section 46-2,119, Reissue Revised Statutes of Nebraska, 1943, and section

46-229.04, Revised Statutes Supplement, 1987; to provide a procedure for cancellation of instream appropriations; and to repeal the original sections.

LEGISLATIVE BILL 954. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to intercepted communications; to amend section 86-712, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the use of communications obtained in violation of law; and to repeal the original section.

LEGISLATIVE BILL 955. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to schools; to amend section 28-1413, Reissue Revised Statutes of Nebraska, 1943; to prohibit corporal punishment in public schools; to eliminate a justification for the use of force; and to repeal the original section.

LEGISLATIVE BILL 956. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to liability; to define terms; and to limit the liability of certain nonprofit associations, volunteers, and employees of political subdivisions as prescribed.

ADJOURNMENT

At 4:21 p.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Thursday, January 7, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 7, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 7, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Ashford, Chambers, Conway, R. Johnson, Landis, Schellpeper, Wesely, Mesdames Johanns, and Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 62, line 24, strike "Bernard-Stevens, David H." and insert "Bernard-Stevens, David F.".
Page 115, line 25, strike "LBrds" and insert "cards".
The Journal for the First Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

December 30, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 as a Part-time Member, requiring legislative confirmation.

Appointee:
Christina Godfrey, 820 North 34th Street, Lincoln, NE 68503, work- 474-1110.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

December 30, 1987

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

Appointee:
Duane W. Acklie, Box 81228, Lincoln, NE 68501, work-475-9521

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 882. No objections. So ordered.

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 860. No objections. So ordered.

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LB 860. No objections. So ordered.

Mr. Elmer asked unanimous consent to have his name added as co-introducer to LB 155. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 160. No objections. So ordered.

Mr. Barrett asked unanimous consent to have his name added as co-introducer to LB 674. No objections. So ordered.

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 121. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 612. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 254. Introduced by Wehrbein, 2nd District.

WHEREAS, the Nebraska Game and Parks Foundation has acquired property located in Cass County, Nebraska, holding great recreation development potential as a part of a major state park area; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate by gift with the consent of the Governor; and

WHEREAS, in the interest of promoting outdoor recreation for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such land and improvements presently held in trust by the Nebraska Game and Parks Foundation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Game and Parks Commission of all of the real estate described as follows:

A southern portion of government lot three and a portion of the northeast quarter of the southwest quarter, all in section nine, township twelve north, range ten east of the sixth principal meridian, more fully described below:

The northeast quarter of the southwest quarter lying northwest of the northwest right-of-way of Interstate Highway I-80 and except the east forty-five feet of said northeast quarter; and beginning at the southwest corner of government lot three; thence on an assumed bearing of north eighty-nine degrees fifty-four minutes thirty-eight seconds east, on the south line of said lot three, a distance of one thousand two hundred eight-seven and fifteen hundredths feet; to a point forty-five feet west of the southeast corner of said lot three; thence north three degrees one minute twenty-seven seconds west a distance of three hundred seven and forty-seven hundredths feet; thence north twenty-four degrees forty-two minutes thirty-five seconds west a distance of one hundred thirty-four and sixteen hundredths feet; thence north forty-seven degrees thirty-four minutes thirty-four seconds west a distance of one hundred seventy-two and seven hundredths feet; thence south eighty-nine degrees fifty-seven minutes nineteen seconds west a distance of one thousand eighty-five and sixty-four hundredths feet to the west line of said lot three; thence south zero degrees thirteen minutes forty-five seconds west a distance of five hundred forty-six and sixteen hundredths feet to the point of beginning, all in section nine township twelve north, range ten east of the sixth principal meridian, Cass County, Nebraska, subject to easements and restrictions of record, if any, and including all gas, oil, and mineral rights and all accretions thereto, and containing fifty and seventy-seven hundredths acres more or less.

2. That such approval is granted with the understanding that the real estate described shall be designated and utilized as an addition to Eugene T. Mahoney State Park.

Laid over.

LEGISLATIVE RESOLUTION 255. Introduced by Abboud, 12th District; Hartnett, 45th District.

WHEREAS, Creighton Preparatory School of Omaha won the 1987 Class A State Football Championship; and

WHEREAS, Creighton Prep has now captured an unprecedented three consecutive Class A state football titles; and

WHEREAS, Creighton Prep has won five of the last eight Class A state football titles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to the 1987 Creighton Prep Football Team and salutes the record of success established by Creighton Prep's coaches and players in the 1980s.

2. That a copy of this resolution be sent to the 1987 Creighton Prep Football Team, in care of the Reverend George Sullivan, S.J., President of Creighton Preparatory School, and Mr. James Rouse, Principal of Creighton Preparatory School, Creighton Preparatory School, 7400 Western Avenue, Omaha, Nebraska 68114.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 375 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1567.)

MOTION - Committee on Committees Report

Mr. L. Johnson moved for the adoption of the Committee on Committees Report found in the Journal on page 143.

The report was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

EASE

The Legislature was at ease from 9:14 a.m. until 9:25 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 957. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1987; to revise the power

of credit unions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 958. Introduced by Smith, 33rd District; Hartnett, 45th District; Scofield, 49th District.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1214, Reissue Revised Statutes of Nebraska, 1943; to provide additional uses for motor vehicle tax revenue as prescribed; and to repeal the original section.

LEGISLATIVE BILL 959. Introduced by Smith, 33rd District; Hartnett, 45th District; Scofield, 49th District; Nelson, 35th District.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to amend section 77-27,142.03, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the submission of the question of imposing a sales and use tax to the voters as prescribed; and to repeal the original section.

LEGISLATIVE BILL 960. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend sections 9-301, 9-309, and 9-326, Revised Statutes Supplement, 1986; to change provisions relating to the qualifications of applicants to conduct lotteries; to provide geographical restrictions on lotteries; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 961. Introduced by Hefner, 19th District; Hartnett, 45th District; Peterson, 21st District.

A BILL FOR AN ACT relating to the Nebraska Disaster and Civil Defense Act of 1973; to amend section 81-829.65, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the movement of equipment and personnel and the contracting for insurance; and to repeal the original section.

LEGISLATIVE BILL 962. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to the Nebraska State Capitol Environs Protection and Improvement Act; to amend section 90-301, Reissue Revised Statutes of Nebraska, 1943; to provide powers; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 963. Introduced by Schmit, 23rd District; Baack, 47th District; Weihing, 48th District.

A BILL FOR AN ACT relating to agriculture; to amend section 2-2311, Revised Statutes Supplement, 1987; to change the amount of excise tax imposed on wheat as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 964. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to wells; to amend sections 57-905 and 81-1505, Reissue Revised Statutes of Nebraska, 1943; to provide for the delivery of certain data to the Conservation and Survey Division of the University of Nebraska as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 965. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to county employees; to amend section 23-2332, Revised Statutes Supplement, 1986; to expand the coverage of a supplemental retirement plan as prescribed; and to repeal the original section.

LEGISLATIVE BILL 966. Introduced by Scofield, 49th District; Wesely, 26th District.

A BILL FOR AN ACT relating to professional counseling; to amend sections 71-1,266, 71-1,268 to 71-1,270, 71-1,272, 71-1,274, and 71-1,277, Reissue Revised Statutes of Nebraska, 1943, and sections 71-113, 71-162, 71-1,267, 71-1,271, and 71-1,275, Revised Statutes Supplement, 1987; to eliminate registration for professional counselors; to change the membership of a board; to eliminate provisions relating to registered professional counselors; to harmonize provisions; and to repeal the original sections, and also section 71-1,276, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 967. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to infants; to require applicants for and recipients of aid to dependent children to participate in certain programs as prescribed; to create job training and job search

programs; to provide for failure to participate in such programs; to create a council; and to provide powers and duties.

LEGISLATIVE BILL 968. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to corporations; to amend sections 21-2001, 21-2039, 21-2040, 21-2040.01, 21-2042, 21-2045, and 21-2056, Reissue Revised Statutes of Nebraska, 1943, and sections 21-2004 and 21-2046, Revised Statutes Supplement, 1987; to permit a limitation or elimination of directors liability as prescribed; to permit directors to resign as prescribed; to change provisions relating to and provide a method of removal of directors; to change provisions relating to quorums; to change provisions relating to contracts and transactions with directors; to change provisions relating to meetings of directors; to change provisions relating to loans and guarantees; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 488. Title read. Considered.

Messrs. L. Johnson, Goodrich, Hannibal, Remmers, and Mrs. Labedz renewed their pending amendment, AM1564, found in the Journal on page 141.

The L. Johnson et al. amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 428. Title read. Considered.

Mr. Lynch renewed his pending amendment, AM1558, found in the Journal on page 138.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall offered the following amendment to the pending Lynch amendment:
Sec. 2, line 17, after "person" insert, "under the age of 21"

Mr. Landis 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 Hall amendment lost with 11 ayes, 17 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Moore requested a record vote on the Lynch amendment.

Voting in the affirmative, 27:

Abboud	Campbell	Hall	Miller	Warner
Ashford	Chizek	Hefner	Morehead	Wehrbein
Barrett	Conway	Higgins	Nelson	Weihing
Bernard-Stevens	Dierks	Labedz	Rogers	Wesely
Beyer	Elmer	Lynch	Smith	Withem
	Goodrich	Marsh		

Voting in the negative, 13:

Chambers	Johanns	Lamb	Peterson	Remmers
Coordsen	Johnson, L.	Landis	Pirsch	Scofield
Hannibal	Korshoj	Moore		

Present and not voting, 8:

Baack	Hartnett	Langford	Schellpeper	Schmit
Haberman	Johnson, R.	McFarland		

Excused and not voting, 1:

Johnson, V.

The Lynch amendment was adopted with 27 ayes, 13 nays, 8 present and not voting, and 1 excused and not voting.

Mrs. Smith withdrew her pending amendment, AM0743, found in the Journal on page 1305, First Session, 1987.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis 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. Moore requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud	Campbell	Hartnett	Langford	Rogers
Baack	Chizek	Hefner	Lynch	Smith
Barrett	Dierks	Higgins	Marsh	Wehrbein
Bernard-Stevens	Elmer	Johanns	Miller	Weihing
	Goodrich	Johnson, R.	Morehead	Wesely
Beyer	Hall	Labedz	Nelson	Withem

Voting in the negative, 12:

Chambers	Johnson, L.	Landis	Peterson	Remmers
Conway	Korshoj	Moore	Pirsch	Schellpeper
Coordsen	Lamb			

Present and not voting, 7:

Ashford	Hannibal	Schmit	Scofield	Warner
Haberman	McFarland			

Excused and not voting, 1:

Johnson, V.

Advanced to E & R for Review with 29 ayes, 12 nays, 7 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 256. Introduced by Barrett, 39th District.

WHEREAS, soccer is one of the world's most popular sports; and

WHEREAS, soccer is the fastest growing team sport in the United States; and

WHEREAS, soccer provides an excellent opportunity for our youth to develop team and individual athletic skills; and

WHEREAS, the United States Soccer Federation is an organization supporting and promoting soccer at all levels; and

WHEREAS, the 1994 World Cup will be a major sporting and tourism event; and

WHEREAS, world-wide interest in the 1994 World Cup will focus world attention and interest on our nation; and

WHEREAS, the 1994 World Cup would greatly encourage the continued growth in the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature declares its full support of the efforts of the United States Soccer Federation in bringing the 1994 World Cup to the United States.

2. That the Nebraska Legislature offers its enthusiastic support to the United States Soccer Federation in all its actions before the Federation Internationale de Football Association with the goal of bringing the 1994 World Cup to the United States.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Johanns asked unanimous consent to have her name added as co-introducer to LB 815. No objections. So ordered.

Mr. Hall asked unanimous consent to have his name added as co-introducer to LB 703. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to have his name added as co-introducer to LB 828. No objections. So ordered.

REPORTS

Received report from the Nebraska Public Service Commission regarding the status of the Nebraska telecommunications industry in accordance with LB 835, 1986.

Received annual status report from the Nebraska Department of Economic Development pursuant to 81-1201.11, Nebraska Statutes, LB 965, 1986.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 257 in the Journal. No objections. So ordered.

AM1587

1. Insert the following new sections:

"Sec. 4. The Department of Public Institutions shall provide technical assistance to each county or group of counties requesting such assistance to carry out the purposes of sections 83-1020, 83-1028, and 83-1039.

Sec. 5. That section 83-1078, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1078. This act and section 4 of this act shall be known and may be cited as the Nebraska Mental Health Commitment Act.".

2. On page 4, line 21, strike "and" and after the second comma insert "and 83-1078,".

3. Renumber the remaining sections accordingly.

Mr. Hartnett asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1546.)

Mr. Schmit asked unanimous consent to print the following amendment to LB 488 in the Journal. No objections. So ordered.

to amend the Lowell Johnson amendment on pg. 3, line 9 strike "1990" and insert "1989"

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Rogers asked unanimous consent to have his name added as co-introducer to LB 857. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 632. Title read. Considered.

Messrs. Lamb, Coordsen, Peterson, Rogers, R. Johnson, Weihing, Elmer, V. Johnson, Remmers, Moore, Schmit, Mesdames Smith, and Langford moved to indefinitely postpone LB 632.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 969. Introduced by Peterson, 21st District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-631, Reissue Revised Statutes of Nebraska, 1943; to change provisions prohibiting driving on shoulders of highways; and to repeal the original section.

LEGISLATIVE BILL 970. Introduced by Wehrbein, 2nd District; Baack, 47th District.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-432 and 79-546, Reissue Revised Statutes of Nebraska, 1943; to eliminate certain restrictions on the school tax levy; to require Class I school districts to be audited as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 971. Introduced by General Affairs Committee: Morehead, 30th District, Chairperson; Bernard-Stevens, 42nd District; Elmer, 38th District; Higgins, 9th District; Miller, 37th District; Smith, 33rd District.

A BILL FOR AN ACT relating to fire sprinklers; to adopt the Fire Sprinkler Act; and to provide an operative date.

LEGISLATIVE BILL 972. Introduced by Haberman, 44th District; Conway, 17th District; Elmer, 38th District; Rogers, 41st District; Goodrich, 20th District; Bernard-Stevens, 42nd District; Johanns, 27th District; Schmit, 23rd District; Hefner, 19th District; Remmers, 1st District; Schellpeper, 18th District; Miller, 37th District; Coordsen, 32nd District; Dierks, 40th District; Lamb, 43rd District; R. Johnson, 34th District; Weihing, 48th District; Labedz, 5th District; Beyer, 3rd District; Campbell, 22nd District; Wehrbein, 2nd District; Baack, 47th District; Moore, 24th District; Peterson, 21st District; Lynch, 13th District; Higgins, 9th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702 and 77-2704, Revised Statutes Supplement, 1987; to provide a sales tax exemption for new and used farm machinery and equipment and repair parts as prescribed; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 973. Introduced by Johanns, 27th District.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-268, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to notices issued for weed removal as prescribed; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 257CA. Introduced by Peterson, 21st District; Hefner, 19th District.

A Resolution to propose an amendment to Article I, section 26, and Article III, section 10, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article I, section 26, and Article III, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CI-26 "This enumeration of rights shall not be construed to impair or deny others, retained by the people, and all powers not herein

delegated, remain with the people. Specifically the people shall retain the right to recall any elected officeholder in the manner which the Legislature shall by law provide."

CIII-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 ~~; 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 or removed from office except by recall by qualified electors in the manner which the Legislature shall by law provide or 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:

"A constitutional amendment to specifically provide the people of the State of Nebraska the right to recall members of the Legislature and to authorize the Legislature to provide the manner by which the people may recall such members.

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 Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 703. Title read. Considered.

Standing Committee amendments, AM0527, found in the Journal on page 1029 for the Forty-First Day, First Session, 1987, were adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Schmit withdrew his pending amendment, AM1256, found in the Journal on page 2085, First Session, 1987, and the Pappas amendments, AM0674, found in the Journal on page 1202, and AM1257, found in the Journal on page 2085, First Session, 1987.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved to indefinitely postpone LB 703.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 974. Introduced by Chizek, 31st District; Nelson, 35th District.

A BILL FOR AN ACT relating to fees; to amend section 33-117, Revised Statutes Supplement, 1987; to change fees charged by sheriffs and other authorized process servers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 975. Introduced by Morehead, 30th District.

A BILL FOR AN ACT relating to city airport authorities; to amend section 3-502, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the filling of vacancies; and to repeal the original section.

LEGISLATIVE BILL 976. Introduced by Morehead, 30th District.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-503, Reissue Revised Statutes of Nebraska, 1943; to require insurance coverage on certain property used by airport authorities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 977. Introduced by Conway, 17th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to fairgrounds; to amend section 2-203.06, Reissue Revised Statutes of Nebraska, 1943; to authorize additional uses for a tax levy; and to repeal the original section.

LEGISLATIVE BILL 978. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,116, Revised Statutes Supplement, 1986; to change a provision relating to the appeal procedure as prescribed; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 258CA. Introduced by Barrett, 39th District; Ashford, 6th District; Baack, 47th District; Bernard-Stevens, 42nd District; Beyer, 3rd District; Campbell, 22nd District; Chizek, 31st District; Conway, 17th District; Coordsen, 32nd District; Dierks, 40th District; Elmer, 38th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Johanns, 27th District; R. Johnson, 34th District; Korshoj, 16th District; Labedz, 5th District; Lamb, 43rd District; Langford, 36th District; Lynch, 13th District; Marsh, 29th District; Moore, 24th District; Morehead, 30th District; Nelson, 35th District; Peterson, 21st District; Rogers, 41st District; Schellpeper, 18th District; Scofield, 49th District; Smith, 33rd District; Warner, 25th District; Wehrbein, 2nd District; Weihing, 48th District; Wesely, 26th District; Withem, 14th District.

A Resolution to propose an amendment to Article III, sections 7 and 19, and to add a new section 30, Article III, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 7 and 19, and to add a new section 30 to Article III, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CIII-7 "At the general election to be held in November, 1964, ~~one half~~ 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, except ~~; 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~~ when 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 until his or her compensation is changed in the manner provided by Article III, section 30, of the Constitution. In addition to his or her compensation, ~~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~~ his or her compensation as provided by Article III, section 30, of the Constitution and expenses. ~~, and employees of the Legislature shall receive no compensation other than their salary or per diem.~~"

CIII-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. The ~~, 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, 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 and except as provided in Article III, section 30, of the Constitution. 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."

CIII-30 "There is hereby created the Compensation Review Commission. The members of the commission shall be appointed by the Governor with the approval of the Legislature. There shall be two members appointed from each congressional district and three members from the state at large. Members of the commission shall serve for terms of six years, except that of the members initially appointed, one from each of the congressional districts and one of the at-large members shall be appointed for a term of two years. No more than five members of the commission may belong to the same political party at any one time, and no elected official or employee of the state or any political subdivision or registered lobbyist may serve as a member. The term of an existing member shall terminate on the date a new member is appointed. A member may serve no more than two terms on the commission and shall receive no compensation for the performance of his or her duties, but may be reimbursed for actual and necessary expenses.

The Compensation Review Commission shall review compensation for members of the Legislature and, beginning in 1990 and every four years thereafter, submit a report to the Governor and the Legislature recommending any adjustment to such compensation it deems appropriate. The Legislature may by legislative bill approve, disapprove, or reduce the recommended adjustment but may not increase the recommended adjustment. Adjustments shall not become effective until so approved by the Legislature, and when so approved shall become effective ninety days following the end of the legislative session in which the adjustments were approved.".

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

"Constitutional amendment to create a Compensation Review Commission which shall have the authority to recommend changes in compensation 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 Reference Committee.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Ralph Luebeck; and former senator Jerry Koch from Ralston and Jason Caniglia from Omaha.

RECESS

At 11:53 a.m., on a motion by Mr. Beyer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Ashford, Hall, R. Johnson, Lamb, McFarland, Rogers, and Schellpeper who were excused until they arrive.

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 1988 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Upper Republican	

Terry Savage	370.00
Middle Republican	
Fred Schroeder, Jr.	818.00
Lower Elkhorn	
Jewell, Gatz, Collins & Dreier	2,291.31
Nelson-Harding	910.56

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 912. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 979. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to teachers; to amend section 79-1254.10, Reissue Revised Statutes of Nebraska, 1943; to require districts to provide a preparation period each day; and to repeal the original section.

LEGISLATIVE BILL 980. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to warehouses; to eliminate provisions requiring licensure of warehouses and provisions relating to warehouse receipts; and to repeal sections 88-409 to 88-418, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 981. Introduced by Hartnett, 45th District; Korshoj, 16th District; Johanns, 27th District; Smith 33rd District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-1108 and 14-1109, Reissue Revised Statutes of Nebraska, 1943, and section 14-102, Revised Statutes Supplement, 1986; to authorize the charging of fees for garbage and refuse collection or disposal; to change a provision relating to nonpayment of such fees as prescribed; to harmonize provisions; and to repeal the original sections.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 788 through 835, 837 through 880, and legislative resolution 246.

LB	Committee
788	General File
789	General File
790	General File
791	General File
792	General File
793	General File
794	General File
795	General File
796	General File
797	General File
798	General File
799	General File
800	General File
801	General File
802	General File
803	General File
804	General File
805	General File
806	General File
807	General File
808	General File
809	General File
810	General File
811	General File
812	General File
813	General File
814	Natural Resources
815	Banking, Commerce and Insurance
816	Government, Military and Veterans Affairs
817	Natural Resources
818	Transportation
819	Revenue
820	Transportation
821	Judiciary
822	Appropriations
823	Education
824	Transportation
825	Natural Resources
826	Banking, Commerce and Insurance

827 General Affairs
828 Government, Military and Veterans Affairs
829 Revenue
830 Banking, Commerce and Insurance
831 Natural Resources
832 Revenue
833 Transportation
834 Revenue
835 Education
837 Appropriations
838 Government, Military and Veterans Affairs
839 Health and Human Services
840 Transportation
841 Education
842 Revenue
843 Nebraska Retirement Systems
844 Revenue
845 Revenue
846 Appropriations
847 Government, Military and Veterans Affairs
848 Revenue
849 Transportation
850 Government, Military and Veterans Affairs
851 General Affairs
852 General Affairs
853 Government, Military and Veterans Affairs
854 Government, Military and Veterans Affairs
855 Revenue
856 Banking, Commerce and Insurance
857 Transportation
858 Banking, Commerce and Insurance
859 Education
860 Education
861 Judiciary
862 Urban Affairs
863 Business and Labor
864 Business and Labor
865 Health and Human Services
866 Nebraska Retirement Systems
867 Government, Military and Veterans Affairs
868 Business and Labor
869 Health and Human Services
870 Judiciary
871 Agriculture

872 Agriculture
873 Revenue
874 Agriculture
875 Business and Labor
876 Judiciary
877 Banking, Commerce and Insurance
878 Government, Military and Veterans Affairs
879 Nebraska Retirement Systems
880 Health and Human Services

LR Committee
246 Judiciary

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Members Excused

Messrs. Hefner and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 664. Title read. Considered.

Standing Committee amendments, AM0737, found in the Journal on page 1307 for the Fiftieth Day, First Session, 1987, were adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mesdames Marsh and Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. R. 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.

Mr. Schmit moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Schmit requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Chambers	Hartnett	Lamb	Nelson	Warner
Coordsen	Hefner	Landis	Rogers	Wehrbein
Dierks	Johnson, R.	McFarland	Schmit	Wesely
Goodrich	Korshoj	Moore	Smith	Withem
Hall	Labedz	Morehead		

Voting in the negative, 16:

Abboud	Bernard-Stevens	Conway	Johnson, L.	Pirsch
Ashford		Elmer	Langford	Remmers
Baack	Beyer	Johanns	Peterson	Weihing
Barrett	Campbell			

Present and not voting, 7:

Chizek	Hannibal	Miller	Schellpeper	Scofield
Haberman	Lynch			

Excused and not voting, 3:

Higgins	Johnson, V.	Marsh

Failed to advance to E & R for Review with 23 ayes, 16 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 982. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1987; to define terms; to make certain acts relating to the use of financial transaction devices unlawful; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 983. Introduced by Korshoj, 16th District; Hefner, 19th District; Conway, 17th District; Moore, 24th District; Hartnett, 45th District; Pirsch, 10th District; Ashford, 6th District;

Nelson, 35th District; Dierks, 40th District; Schellpeper, 18th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1619 to 77-1621 and 77-1623, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the payment of certain judgments; to define a term; to limit the liability of certain officers and authorities; to authorize an application for relief from an unreasonably high tax levy; and to repeal the original sections.

LEGISLATIVE BILL 984. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to real property; to amend section 76-1002, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to transfers in trusts; to authorize security for future advances by such transfers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 985. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to private investigators; to amend section 11-201, Reissue Revised Statutes of Nebraska, 1943, and section 9-221, Revised Statutes Supplement, 1986; to adopt the Private Investigative Agency and Investigator Act; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 71-3201 to 71-3204 and 71-3206 to 71-3213, Reissue Revised Statutes of Nebraska, 1943, and section 71-3205, Revised Statutes Supplement, 1987.

LEGISLATIVE BILL 986. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to infants; to provide stepparent visitation as prescribed; to define a term; and to declare an emergency.

LEGISLATIVE BILL 987. Introduced by Remmers, 1st District; Rogers, 41st District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to commercial transactions; to amend sections 9-414 and 9-420, Uniform Commercial Code; to provide for a master lien list as prescribed; to provide duties for the Secretary of State; to limit liability as prescribed; to provide a fee; to provide for the waiver or release of a portion of a lien as prescribed; to provide rules and regulations; to provide liability for refusal to

endorse checks or other instruments; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 988. Introduced by Abboud, 12th District; Coordsen, 32nd District; Pirsch, 10th District; Ashford, 6th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 81-1836, Reissue Revised Statutes of Nebraska, 1943; to adopt the Proceeds of Stories of Felons Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 989. Introduced by Korshoj, 16th District; Hall, 7th District.

A BILL FOR AN ACT relating to attorneys; to amend section 7-102, Reissue Revised Statutes of Nebraska, 1943; to provide that membership in legal associations is not a prerequisite to practice; to provide duties for the Supreme Court; and to repeal the original section.

LEGISLATIVE BILL 990. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to dogs; to provide definitions; to provide duties for owners of certain dogs; to provide powers for animal control authorities and courts; to provide penalties; and to permit local regulation as prescribed.

ANNOUNCEMENT

Mr. Baack announced the Government, Military and Veterans Affairs Committee elected Mr. Coordsen as Vice Chairperson.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following Governor appointments.

Business and Labor
John P. Peetz, III - Commission of Industrial Relations

Education
Joan R. Burney - Coordinating Commission for Postsecondary Education

Marcia L. Jones - Coordinating Commission for Postsecondary Education
Timothy G. Darnauer - Coordinating Commission for Postsecondary Education
Lt. James A. Pearson - Nebraska Safety Center Advisory Council
Kevin F. Knapple - Nebraska Safety Center Advisory Council
Jack L. Swanson - Nebraska Safety Center Advisory Council
Stephen P. Finn - Nebraska Safety Center Advisory Council
Harold Sobotka - Nebraska Safety Center Advisory Council
Gene D. Siefford - Nebraska Safety Center Advisory Council
Dallas W. Watkins - Nebraska Safety Center Advisory Council
Gary L. Hirsh - Nebraska Safety Center Advisory Council
Kenneth L. Sieckmeyer - Nebraska Safety Center Advisory Council

General Affairs
Fred R. "Bob" Sikyta - Nebraska Liquor Control Commission
Helen W. Cherniak - Nebraska Arts Council
Helen L. Hayes - Nebraska Arts Council

Government, Military and Veterans Affairs
Trish Jorgensen - State Personnel Board

Health and Human Services
Rhonda L. H. Purbaugh - Commission for the Hearing Impaired
Thomas F. Tonniges, M.D. - Nebraska Child Abuse Prevention Fund Board
Bonnie Johnson - Nebraska Child Abuse Prevention Fund Board
Carmen Gottschalk - State Foster Care Review Board
Jo Lamb - State Foster Care Review Board
Burrell Williams - State Foster Care Review Board

Judiciary
Christina Godfrey - Nebraska Board of Parole

Natural Resources
Elvin Adamson - Game and Parks Commission
Thomas C. Baker - Oil and Gas Conservation Commission
Hugh Williams - Environmental Control Council
Robert L. Petersen - Environmental Control Council
Fred E. Hlava - Environmental Control Council
Dayle E. Williamson - Natural Resources Commission
Dennis Grams - Department of Environmental Control
Dan T. Drain - Environmental Control Council

Transportation
David O. Coolidge - Board of Public Roads Classifications & Standards
Terry D. Malcom - State Highway Commission
Denny Miller - Motor Vehicle Industry Licensing Board
Duane W. Acklie - State Highway Commission

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 369. Title read. Considered.

Standing Committee amendment, AM0755, found in the Journal on page 1322 for the Fiftieth Day, First Session, 1987, was considered.

SPEAKER BARRETT PRESIDING

The Standing Committee amendment was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 991. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend section 23-2419.01, Revised Statutes Supplement, 1986, and section 23-2416.03, Revised Statutes Supplement, 1987; to change limitations on amounts recoverable pursuant to certain claims; and to repeal the original section.

LEGISLATIVE BILL 992. Introduced by Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Chizek, 31st District; Dierks, 40th District; McFarland, 28th District; Nelson, 35th District; Peterson, 21st District; and Ashford, 6th District; Bernard-Stevens, 42nd District; Elmer 38th District; Hefner, 19th District; Miller, 37th District; Weihing, 48th District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2650, Reissue Revised Statutes of Nebraska, 1943; to eliminate a time limitation on the power to levy a certain tax as prescribed; and to repeal the original section.

LEGISLATIVE BILL 993. Introduced by Banking, Commerce and Insurance Committee: Remmers, 1st District, Chairperson; Conway, 17th District; Goodrich, 20th District; Haberman, 44th District; Landis, 46th District; Lynch, 13th District; Schmit, 23rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-332, Reissue Revised Statutes of Nebraska, 1943; to change a penalty as prescribed; and to repeal the original section.

LEGISLATIVE BILL 994. Introduced by Banking, Commerce and Insurance Committee: Remmers, 1st District, Chairperson; Conway, 17th District; Goodrich, 20th District; Haberman, 44th District; Lynch, 13th District; Schmit, 23rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-197, Revised Statutes Supplement, 1987; to clarify certain terms as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 995. Introduced by Banking, Commerce and Insurance Committee: Remmers, 1st District, Chairperson; Conway, 17th District; Goodrich, 20th District; Haberman, 44th District; Lynch, 13th District; Schmit, 23rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to credit unions; to amend section 21-1770, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the amendment of bylaws as prescribed; and to repeal the original section.

LEGISLATIVE BILL 996. Introduced by Banking, Commerce and Insurance Committee: Remmers, 1st District, Chairperson; Conway,

17th District; Goodrich, 20th District; Haberman, 44th District; Lynch, 13th District; Schmit, 23rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-163 and 8-165, Reissue Revised Statutes of Nebraska, 1943, and section 8-164, Revised Statutes Supplement, 1986; to change provisions relating to dividends; and to repeal the original sections.

LEGISLATIVE BILL 997. Introduced by Banking, Commerce and Insurance Committee: Remmers, 1st District, Chairperson; Conway, 17th District; Goodrich, 20th District; Haberman, 44th District; Lynch, 13th District; Schmit, 23rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to insurance; to require insurers to file copies of statements as prescribed; to authorize disciplinary actions; to provide for immunity from legal actions; and to provide for confidentiality of information.

LEGISLATIVE BILL 998. Introduced by Banking, Commerce and Insurance Committee: Remmers, 1st District, Chairperson; Conway, 17th District; Goodrich, 20th District; Haberman, 44th District; Lynch, 13th District; Schmit, 23rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to the Medicare Supplement and Sickness and Accident Insurance Minimum Standards Act; to amend sections 44-3601 and 44-3605 to 44-3610, Reissue Revised Statutes of Nebraska, 1943, and sections 44-3602 to 44-3604, Revised Statutes Supplement, 1986; to redefine terms; to provide applicability; to provide for rules and regulations; to provide policy standards; to provide filing requirements; to provide disclosure standards; to provide for forms of certain policies; to provide for enforcement; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 999. Introduced by Landis, 46th District; Ashford, 6th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-2701, Revised Statutes Supplement, 1987; to define terms; to provide an income tax credit for certain businesses which provide day care services as prescribed; to provide rules and regulations; to

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

LEGISLATIVE BILL 1000. Introduced by Landis, 46th District; Hefner, 19th District.

A BILL FOR AN ACT relating to crimes and offenses; to require the suspension of driving privileges of certain minors who commit offenses involving alcohol or controlled substances; and to provide duties for the Department of Motor Vehicles.

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 582 in the Journal. No objections. So ordered.

AM1585

(Amendments to Standing Committee amendments)

1. Strike amendment 1 and insert the following new amendment:

"1. Strike the original sections and insert the following new sections:

'Section 1. It is the intent of the Legislature through this act to help in the treatment and elimination of drug and alcohol use and abuse in the work place while protecting the employee's rights. Nothing in this act shall be construed to require employers to conduct drug and alcohol testing of their employees nor shall this act be determinative of the cases or circumstances under which such tests may be given.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Alcohol shall mean any product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, synthetic ethyl alcohol, four varieties of liquor defined in subdivisions (2) to (5) of section 53-103, alcohol, spirits, wine, and beer, every liquid or solid, patented or not, containing alcohol, spirits, or wine, or beer, and alcohol used in the manufacture of denatured alcohol, flavoring extracts, syrups, or medicinal, mechanical, scientific, culinary, and toilet preparations;

(2) Breath testing device shall mean intoxilyzer model 4011AS or other scientific testing equivalent as approved by and operated in accordance with the department rules and regulations:

(3) Breath testing device operator shall mean a person who has obtained or been issued a permit pursuant to the department rules and regulations;

(4) Department shall mean the Department of Health of the State of Nebraska;

(5) Department rules and regulations shall mean the techniques and methods authorized pursuant to section 39-669.11;

(6) Drug shall mean any substance, chemical, or compound as described, defined, or delineated in sections 28-405 and 28-419 or any metabolite or conjugated form thereof, except that any substance, chemical, or compound containing any product as defined in subdivision (1) of this section may also be defined as alcohol;

(7) Employee shall mean any person who receives any remuneration, commission, bonus, or other form of wages in return for such persons actions which directly or indirectly benefit an employer; and

(8) Employer shall mean the State of Nebraska and its political subdivisions, all other governmental entities, any individual, association, or corporation, or other organization doing business in the State of Nebraska unless it, he, or she employs a total of less than six full-time and part-time employees at any one time.

Sec. 3. Any results of any test performed on the body or breath specimen of an employee, as directed by the employer, to determine the presence of drugs or alcohol shall not be used to deny any continued employment or in any disciplinary or administrative action unless the following requirements are met:

(1) A positive finding of drugs by preliminary screening procedures has been subsequently confirmed by gas chromatography-mass spectrometry or other scientific testing technique which has been or may be approved by the department; and

(2) A positive finding of alcohol by preliminary screening procedures is subsequently confirmed by either:

(a) Gas chromatography with a flame ionization detector or other scientific testing technique which has been or may be approved by the department; or

(b) A breath testing device operated by a breath testing operator. Nothing in this subdivision shall be construed to preclude an employee from immediately requesting further confirmation of any breath testing results by a blood sample if the employee voluntarily submits to give a blood sample taken by qualified medical personnel in accordance with the rules and regulations adopted and promulgated by the department. If the confirmatory blood test results do not confirm a violation of the employers work rules, any disciplinary or administrative action shall be rescinded.

Except for a confirmatory breath test as provided in subdivision (2)(b) of this section, all confirmatory tests shall be performed by a clinic, hospital, or laboratory which is licensed pursuant to the federal Clinical Laboratories Improvement Act of 1967, 42 U.S.C. 263a, or which is accredited by the College of American Pathologists.

Sec. 4. Except for breath test specimens as provided in subdivision (2)(b) of section 3 of this act, all specimens which result in a finding of drugs or alcohol shall be refrigerated and preserved in a sufficient quantity for retesting for a period of at least one hundred eighty days.

Sec. 5. Except for breath test specimens as provided in subdivision (2)(b) of section 3 of this act, a written record of the chain of custody of the specimen shall be maintained from the time of the collection of the specimen until the specimen is no longer required.

Sec. 6. The employer or its, his, or her agents shall not release or disclose the test results to the public, except that such results shall be released as required by law or to the employee upon request. Test results may be released to those officers, agents, or employees of the employer who need to know the information for reasons connected with their employment.

Sec. 7. Nothing in sections 1 to 6 of this act shall be construed to establish any rule, right, or duty not expressly provided for in such sections.

Sec. 8. (1) It shall be unlawful to provide,

acquire, or use body fluids for the purpose of altering the results of any test to determine the presence of drugs or alcohol.

(2) Any employee who violates subsection (1) of this section may be subjected to the same discipline as if the employee had refused the directive of the employer to provide a body fluid or breath sample.

(3) Any person, including an employee, who violates subsection (1) of this section shall be guilty of a Class I misdemeanor.

Sec. 9. (1) No person shall tamper with or aid or assist another in tampering with body fluids at any time during or after the collection or analysis of such fluids for the purpose of altering the results of any test to determine the presence of drugs or alcohol.

(2) Any employee who violates subsection (1) of this section may be subjected to the same discipline as if the employee had refused the directive of the employer to provide a body fluid or breath sample.

(3) Any person, including an employee, who violates subsection (1) of this section shall be guilty of a Class I misdemeanor.

Sec. 10. Any employee who refuses the lawful directive of an employer to provide a body fluid or breath sample as provided in section 3 of this act may be subject to disciplinary or administrative action by the employer, including denial of continued employment.'.".

ADJOURNMENT

At 4:09 p.m., on a motion by Mr. Abboud, the Legislature adjourned until 9:00 a.m., Friday, January 8, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 8, 1988

LEGISLATIVE JOURNAL

THIRD DAY - JANUARY 8, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 8, 1988

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Wayne Hineman, Rosemont Alliance Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except. Mr. V. Johnson who was excused; and Messrs. Ashford, Conway, Haberman, R. Johnson, Rogers, Schellpeper, Schmit, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Second Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 836, 881 through 956, and legislative resolutions 247 through 253.

LB	Committee
836	Revenue
881	Health and Human Services
882	Natural Resources

883 Judiciary
884 Transportation
885 Transportation
886 Banking, Commerce and Insurance
887 Judiciary
888 Judiciary
889 Banking, Commerce and Insurance
890 Education
891 Education
892 Business and Labor
893 Judiciary
894 Revenue
895 Revenue
896 Education
897 Natural Resources
898 Education
899 Judiciary
900 Transportation
901 General Affairs
902 General Affairs
903 Transportation
904 Education
905 Education
906 Judiciary
907 Judiciary
908 Judiciary
909 General Affairs
910 Urban Affairs
911 Agriculture
912 Judiciary
913 Banking, Commerce and Insurance
914 Revenue
915 Revenue
916 Education
917 Banking, Commerce and Insurance
918 Judiciary
919 Banking, Commerce and Insurance
920 Banking, Commerce and Insurance
921 Judiciary
922 Government, Military and Veterans Affairs
923 Business and Labor
924 Judiciary
925 Revenue
926 Education

927 General File
928 Judiciary
929 General Affairs
930 Health and Human Services
931 Urban Affairs
932 Urban Affairs
933 Banking, Commerce and Insurance
934 Urban Affairs
935 Banking, Commerce and Insurance
936 Government, Military and Veterans Affairs
937 Natural Resources
938 Banking, Commerce and Insurance
939 Education
940 Education
941 General Affairs
942 Business and Labor
943 Business and Labor
944 General Affairs
945 General Affairs
946 Judiciary
947 Judiciary
948 Health and Human Services
949 General Affairs
950 Natural Resources
951 Judiciary
952 Revenue
953 Natural Resources
954 Judiciary
955 Judiciary
956 Judiciary

LR	Committee
247	Education
248	Government, Military and Veterans Affairs
249	Revenue
250	Judiciary
251	Judiciary
252	General Affairs
253	Government, Military and Veterans Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

Mr. Remmers announced the Banking, Commerce and Insurance Committee elected Mr. Conway as Vice Chairperson.

UNANIMOUS CONSENT - Member Excused

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 254. Read. Considered.

LR 254 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 255. Read. Considered.

LR 255 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 256. Read. Considered.

Mr. Chambers requested a record vote on the adoption of the resolution.

Voting in the affirmative, 33:

Abboud	Coordsen	Hefner	Langford	Pirsch
Baack	Dierks	Johanns	Lynch	Remmers
Barrett	Elmer	Johnson, L.	Marsh	Scofield
Beyer	Goodrich	Korshoj	Miller	Smith
Campbell	Haberman	Labedz	Morehead	Weihing
Chambers	Hall	Lamb	Nelson	Withem
Chizek	Hartnett	Landis		

Voting in the negative, 1:

Moore

Present and not voting, 7:

Bernard-Stevens	Hannibal	Peterson	Wehrbein	Wesely
	McFarland	Warner		

Excused and not voting, 8:

Ashford	Higgins	Johnson, V.	Schellpeper	Schmit
Conway	Johnson, R.	Rogers		

LR 256 was adopted with 33 ayes, 1 nay, 7 present and not voting, and 8 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1001. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to the Licensing of Truth and Deception Examiners Act; to amend section 81-1932, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the required submission to a truth and deception examination by employees; and to repeal the original section.

LEGISLATIVE BILL 1002. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 37-1202, 37-1254, and 37-1274, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to operating a motorboat or vessel while under the influence of alcohol; to provide for certain testing procedures as prescribed; to provide penalties; to harmonize provisions; to eliminate provisions relating to operating certain boats and vessels and for certain water sports while intoxicated or on certain drugs; and to repeal the original sections.

LEGISLATIVE BILL 1003. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to schools; to amend section 79-1334, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to foundation aid; to change the computation of such aid as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1004. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Campbell, 22nd District; Pirsch, 10th District; Rogers, 41st District; Schellpeper, 18th District; Wesely, 26th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-305.02, Reissue Revised Statutes of Nebraska, 1943, and sections 60-305.03 and 60-305.09, Revised Statutes Supplement, 1986; to eliminate retaliatory or reciprocity fees on nonresident trucks and buses; to provide for a single trip permit for commercial vehicles; to provide a fee; and to repeal the original sections.

LEGISLATIVE BILL 1005. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Campbell, 22nd District; Pirsch, 10th District; Rogers, 41st District; Schellpeper, 18th District; Wesely, 26th District.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-109, Reissue Revised Statutes of Nebraska, 1943; to exempt horse-drawn vehicles and other transportation from regulation; and to repeal the original section.

LEGISLATIVE BILL 1006. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Campbell, 22nd District; Rogers, 41st District; Schellpeper, 18th District; Wesely, 26th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.01, 60-330, and 60-334, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,138 and 60-301, Revised Statutes Supplement, 1987; to harmonize provisions relating to driving lamps with other statutes; to eliminate a definition; to provide for registration of certain vehicles by nonresident owners; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1007. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Campbell, 22nd District; Pirsch, 10th District; Rogers, 41st District; Schellpeper, 18th District; Wesely, 26th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-401, Revised Statutes Supplement, 1987; to provide for the suspension of a motor vehicle operator's license as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1008. Introduced by Morehead, 30th District.

A BILL FOR AN ACT relating to identification cards; to amend sections 60-411.01 and 60-417, Reissue Revised Statutes of Nebraska, 1943, sections 60-406.04, 60-411, and 60-415, Revised Statutes Supplement, 1986, and sections 60-401 and 60-407, Revised Statutes Supplement, 1987; to provide for issuance, expiration, renewal, replacement, and cancellation of state identification cards; to provide fees; to prohibit certain acts; to eliminate provisions relating to identification cards; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 23-393, 23-395, and 23-396, Reissue Revised Statutes of Nebraska, 1943, and section 23-394, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 1009. Introduced by Lamb, 43rd District; Moore, 24th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-110, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to liens on motor vehicles; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 757. Considered.

Mr. Abboud moved to indefinitely postpone LB 757.

Mr. Rogers 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.

Mr. Chambers moved for a call of the house. The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Chambers requested a roll call vote on the Abboud motion to indefinitely postpone.

Voting in the affirmative, 24:

Abboud	Dierks	Lamb	Moore	Smith
Barrett	Goodrich	Langford	Peterson	Warner
Beyer	Hefner	Marsh	Pirsch	Wehrbein
Campbell	Johnson, L.	McFarland	Remmers	Wesely
Coordsen	Johnson, R.	Miller	Schellpeper	

Voting in the negative, 23:

Ashford	Chizek	Hannibal	Labedz	Schmit
Baack	Conway	Hartnett	Landis	Scofield
Bernard-Stevens	Elmer	Higgins	Lynch	Weihing
	Haberman	Johanns	Morehead	Withem
Chambers	Hall	Korshoj	Nelson	

Excused and not voting, 2:

Johnson, V. Rogers

The Abboud motion to indefinitely postpone prevailed with 24 ayes, 23 nays, and 2 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.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1010. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Lynch, 13th District; Bernard-Stevens, 42nd District; Morehead, 30th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to public assistance; to amend section 68-129, Reissue Revised Statutes of Nebraska, 1943; to provide for the exclusion of certain funds from the determination of need; and to repeal the original section.

LEGISLATIVE BILL 1011. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Lynch, 13th District; Schellpeper, 18th District; Bernard-Stevens, 42nd District; Morehead, 30th District.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Reissue Revised Statutes of Nebraska, 1943; to provide medical assistance benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1012. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Lynch, 13th District; Schellpeper, 18th District; Bernard-Stevens, 42nd District; Morehead, 30th District.

A BILL FOR AN ACT relating to diseases; to amend sections 71-502, 71-503.01, 71-505, 71-506, 71-1101, 71-1102, 71-1116, 71-1117, 71-1121, and 71-2512, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide for a statewide acquired immunodeficiency syndrome program; to change provisions related to sexually transmitted and other communicable diseases; to provide powers and duties for the Department of Health; to provide penalty and enforcement provisions; to eliminate penalties; to repeal the Prophylactic Control Act; to harmonize provisions; and to repeal the original sections, and also sections 71-1103 to 71-1106, 71-1108 to 71-1110, 71-1112, 71-1114, 71-1115, and 71-1118, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1107 and 71-1111, Revised Statutes Supplement, 1987.

LEGISLATIVE BILL 1013. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Lynch, 13th District; Bernard-Stevens, 42nd District; Morehead, 30th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to the care of children; to amend sections 71-1904, 71-1911, and 79-444, Reissue Revised Statutes of Nebraska, 1943, and section 71-1915, Revised Statutes Supplement, 1987; to provide requirements for rules and regulations on child care; to require hearings on rules and regulations as prescribed; to provide funding for additional licensing specialists; to change a provision requiring a hearing; to authorize schools to provide and charge for certain programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1014. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Lynch, 13th District; Schellpeper, 18th District; Bernard-Stevens, 42nd District; Morehead, 30th District.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend sections 71-6201, 71-6203, 71-6217, 71-6221 to 71-6226, 71-6228, and 71-6230, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to when a health profession requires regulation as prescribed; to change provisions relating to the application for regulation; to change provisions relating to duties of the technical committee; to change provisions relating to recommendations by the board and the director; to change a provision relating to the percentage of fees credited to the fund; to eliminate a termination date; to provide for eligibility for review; to provide a fee; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1015. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Lynch, 13th District; Schellpeper, 18th District; Bernard-Stevens, 42nd District; Morehead, 30th District.

A BILL FOR AN ACT relating to home health aides; to state intent; to define terms; to provide requirements for persons acting as home health aides; to provide an exemption from certain requirements; to limit the practice of home health aides; to provide requirements for certain training courses; to establish fees for such courses; and to provide for violations and enforcement.

LEGISLATIVE BILL 1016. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Revised Statutes Supplement, 1987; to change provisions relating to the election of trustees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1017. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to assistance for certain children; to amend sections 43-504 and 43-504.01, Reissue Revised Statutes of Nebraska, 1943; to change a definition; to change eligibility provisions for aid to dependent children; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1018. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2705, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2702 to 77-2704, Revised Statutes Supplement, 1987; to define a term; to exempt the charges for admission to body toning salons from sales and use tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1019. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to motor vehicles; to authorize the suspension of driving privileges for certain juveniles as prescribed.

LEGISLATIVE BILL 1020. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to video movies; to require the covering for video movies to display the official rating of the movie as prescribed; to provide age restrictions as prescribed; to define terms; and to provide a penalty.

LEGISLATIVE BILL 1021. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to the Nebraska Principal and Income Act; to amend sections 30-3103 and 30-3109, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide when distributions from certain partnerships and other forms of investment or business constitute principal or income; and to repeal the original sections.

LEGISLATIVE BILL 1022. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1579 and 2-4610, Revised Statutes Supplement, 1986; to change provisions relating to the amount of cost-sharing assistance funds available for certain soil and water conservation projects as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1023. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to environmental protection; to amend sections 19-4104 and 81-1528, Reissue Revised Statutes of

Nebraska, 1943; to state intent; to define and redefine terms; to provide for solid waste management plans and systems; to require licenses for solid waste management facilities; to restrict the disposal of solid waste as prescribed; to provide for rules and regulations; to provide a preference for certain purchases; to eliminate obsolete provisions and an exemption from compliance with solid waste disposal provisions and the Environmental Protection Act; to provide operative dates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1024. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.02, Revised Statutes Supplement, 1987; to change certain income tax factors as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1025. Introduced by Remmers, 1st District; Baack, 47th District.

A BILL FOR AN ACT relating to deposit and investment of public funds; to amend sections 77-2318.01 and 77-2326.04 to 77-2326.08, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the security for deposit of public money; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1026. Introduced by Schellpeper, 18th District; Goodrich, 20th District; Ashford, 6th District.

A BILL FOR AN ACT relating to massage therapy; to amend sections 71-102, 71-107, 71-112, 71-131, 71-161.01, 71-2702, 71-2705, and 71-2712, Reissue Revised Statutes of Nebraska, 1943, section 33-150, Revised Statutes Supplement, 1986, and sections 71-101, 71-110, 71-116, 71-148, 71-162, and 71-2701, Revised Statutes Supplement, 1987; to define and redefine terms; to create a fund; to provide for the licensing of massage therapists and massage therapy schools and establishments as prescribed; to delete sections relating to licensure of masseurs and masseuses; to harmonize provisions; to repeal the original sections, and also sections 71-2704, 71-2706, 71-2707 to 71-2714, 71-2716, 71-2717, 71-2718, and 71-2719, Reissue Revised Statutes of Nebraska, 1943, and sections 71-2703, 71-2704.01, and 71-2715, Revised Statutes Supplement, 1987.

NOTICE OF COMMITTEE HEARINGS

Education

LB 841	Tuesday, January 19, 1988	1:30 p.m.
LB 860	Tuesday, January 19, 1988	1:30 p.m.
LB 896	Tuesday, January 19, 1988	1:30 p.m.
LB 939	Tuesday, January 19, 1988	1:30 p.m.
*LB 916	Tuesday, January 26, 1988	1:30 p.m.
*LB 940	Tuesday, January 26, 1988	1:30 p.m.

*This hearing will be held in the East Chamber.

Governor Appointments Friday, January 22, 1988 1:00 p.m.
Coordinating Commission for Postsecondary Education
Marcia L. Jones
Joan R. Burney
Timothy G. Darnauer

(Signed) Ron Withem, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 428. Placed on Select File as amended.
E & R amendments to LB 428:
AM5238

1. In the Lynch amendment, AM1558, adopted January 7, 1988:

a. On page 1, line 5, after "motorcyclists" insert "and moped operators"; and in line 11 after "motorcycle" insert "and moped"; and

b. On page 2, line 12, strike "section"; and in line 21 strike "this act" and insert "such section".

2. On page 1, strike beginning with "Reissue" in line 2 through "1943" in line 3 and insert "Revised Statutes Supplement, 1987; to state intent"; and in line 6 strike "for enforcement" and insert "a penalty".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Bernard-Stevens asked unanimous consent to have his name added as co-introducer to LB 191. No objections. So ordered.

ANNOUNCEMENT

Mrs. Labedz announced that on Friday, January 8, 1988, the Executive Board of the Legislative Council elected Senator Helen H. Campbell to the Building Maintenance Special Committee replacing Senator Lee Rupp who resigned from the Legislature.

MOTION - Withdraw LB 825

Messrs. Elmer and Hefner moved to withdraw LB 825.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 675. Title read. Considered.

Mr. Schmit moved to indefinitely postpone LB 675.

Laid over.

LEGISLATIVE BILL 257. Title read. Considered.

Mr. Wesely renewed his pending amendment, AM1587, found in the Journal on page 186.

The Wesely amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb offered the following amendment:
AM1598

1. On page 2, line 21, strike "Each" and insert "Except in counties in which a city of the first class is not located, each"; in line 24 strike the underscored period and insert "except in counties in which a city of the first class is not located, but"; and in line 25 reinstate the stricken matter.

2. On page 3, line 1, reinstate the stricken matter; in line 14 reinstate "jail," and before the reinstated comma insert "in counties in which a city of

the first class is not located" and reinstate the second stricken comma.

3. On page 4, line 6, reinstate "jail," and before the reinstated comma insert "in counties in which a city of the first class is not located" and reinstate the second stricken comma; and in line 7 strike the new matter.

Mr. Lamb withdrew his pending amendment.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 582. Title read. Considered.

Standing Committee amendment, AM0494, found in the Journal on page 1011 for the Fortieth Day, First Session, 1987, was considered.

Mr. Lynch withdrew his pending amendment, AM0342, found in the Journal on page 818, First Session, 1987.

Mr. Chizek withdrew his pending amendments, AM0933, found in the Journal on page 1621, AM1348, found in the Journal on page 2244, and AM1402, found in the Journal on page 2348, First Session, 1987.

Mr. Chizek withdrew the pending Pappas amendment, AM1419, found in the Journal on page 2420, First Session, 1987.

Mr. Chizek renewed his pending amendment, AM1585, found in the Journal on page 206 to the Standing Committee amendment.

The Chizek amendment to the Standing Committee amendment was adopted with 24 ayes, 0 nays, 21 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.

Mr. Moore asked unanimous consent to be excused. 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.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1027. Introduced by Withem, 14th District; Nelson, 35th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-6,122, Reissue Revised Statutes of Nebraska, 1943; to provide for bumper heights for passenger cars and trucks; to provide a penalty; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1028. Introduced by Marsh, 29th District.

A BILL FOR AN ACT relating to schools; to amend section 79-488.06, Reissue Revised Statutes of Nebraska, 1943; to provide a fee for a student transportation vehicle operator's permit; to provide for the disposition of such fee; and to repeal the original section.

LEGISLATIVE BILL 1029. Introduced by Moore, 24th District; Marsh, 29th District; R. Johnson, 34th District; Hartnett, 45th District; Schmit, 23rd District; Korshoj, 16th District; Lynch, 13th District; Labedz, 5th District; Abboud, 12th District; Higgins, 9th District.

A BILL FOR AN ACT relating to the state university and state colleges; to amend sections 85-1,116, 85-324, and 85-982, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1987; to change the distribution of cigarette taxes as prescribed; to eliminate provisions relating to annual appropriations for certain capital expenditures; to provide for defeasance of certain contracts; to authorize contracts relating to the distribution of financial assistance; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1030. Introduced by L. Johnson, 15th District; Pirsch, 10th District; Conway, 17th District; Hartnett, 45th District; Campbell, 22nd District; Abboud, 12th District.

A BILL FOR AN ACT relating to garnishment; to amend sections 25-1011 and 25-1056, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to service; to require service of certain forms on debtors; to require promulgation of forms; to provide hearings; to require transfer of nonexempt earnings to the court; to provide continuing liens; to provide priorities; and to repeal the original sections.

LEGISLATIVE BILL 1031. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to tire recycling; to amend sections 58-201 and 58-239, Revised Statutes Supplement, 1986; to adopt the Waste Tire Recycling Act; to provide a fee on transfers of motor vehicle titles as prescribed; to provide powers and duties for the Nebraska Investment Finance Authority; to harmonize provisions; to provide an operative date; and to repeal the original sections.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 90 in the Journal. No objections. So ordered.

AM1592

1. On page 3, line 20, after the period insert "The defense attorney shall have an opportunity to evaluate the child and rebut the showing of compelling need produced by the prosecuting attorney. The defense attorney may have the child examined independently by a psychiatrist." and strike "ordinarily".

2. On page 3, after line 23 insert:

"(a) Appoint a guardian ad litem for a child victim of or child witness to any sexual offense punishable as a felony;"; and in line 24 strike "(a)" and insert "(b)".

3. On page 4, line 3, strike "(b)" and insert "(c)"; in line 6 strike "(c)" and insert "(d)"; in line 19 after the period insert "No reporters shall be allowed to be present during the videotape deposition."; and strike lines 20 through 24 and insert:

"(3) Any contract made with the child by any law enforcement personnel, the prosecuting attorney, or anyone in the attempt to develop further the child's memory regarding the sexual offense shall be videotaped

and shall be admissible at trial. If the videotaping of all contacts is not complied with, then none of the videotapes allowed by this section or any testimony by the child shall be admissible at the trial.".

4. On page 5, after line 24, insert:

"(10) No videotape deposition or testimony allowed by this section shall be used for broadcast by the public news media."; and renumber remaining subsections accordingly.

ADJOURNMENT

At 11:55 a.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Monday, January 11, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 11, 1988

LEGISLATIVE JOURNAL

FOURTH DAY - JANUARY 11, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 11, 1988

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Hall, and V. Johnson who were excused; and Messrs. Baack, Chambers, Conway, Goodrich, Landis, Lynch, Schmit, Withem, Mesdames Higgins, Johanns, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

ANNOUNCEMENTS

Speaker Barrett announced a meeting of the Committee Chairpersons will be held on Tuesday, January 12, 1988 at 8:30 a.m. in Room 2102.

Mr. Hall announced that the Business and Labor Committee elected Mr. Korshoj as Vice Chairperson.

MESSAGES FROM THE GOVERNOR

January 5, 1988

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 Coordinating Commission for Postsecondary Education requiring legislative confirmation:

Appointee: Carol S. Hendrickson, P.O. Box 567, Holdrege, NE 68949, Home: 308-995-4067

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

January 6, 1988

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:

Gerald Strobel, Director-State Engineer Department of Roads, South Jct. U.S. 77 & N-2, Lincoln, NE 68509, 471-4567. Term: December 24, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,

(Signed) KAY A. ORR
Governor

KAO:sk

January 6, 1988

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:

General Stanley Heng, Adjutant General-Military Department, 1300 Military Road, Lincoln, NE 68508, 471-3241. Term: June 2, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

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 1987 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Central Platte	
Cook & Doyle	13,440.99
Baylor, Evnen, Curtiss, Grimit & Witt	6,348.79
Shamberg, Wolf & Bush	495.00
Lower Big Blue	
Everson, Wullschleger, Sutter,	

Sharp, Korsund & Willet	332.50
South Platte	
Van Steenberg, Myers & Burke	1,675.02
Upper Big Blue	
Crosby, Guenzel, Davis, Kessner & Kuester	11,761.10

MOTION - Withdraw LB 825

Messrs. Elmer and Hefner renewed their pending motion found in the Journal on page 223 to withdraw LB 825.

The motion prevailed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1032. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Pirsch, 10th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-302, 75-303, and 75-322.01, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change an exemption for Public Service Commission regulation; to change provisions relating to penalties; and to repeal the original sections.

LEGISLATIVE BILL 1033. Introduced by Business and Labor Committee: Hall, 7th District, Chairperson; Chambers, 11th District; Coordsen, 32nd District; Hefner, 19th District; Johanns, 27th District; Korshoj, 16th District; Labedz, 5th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-602, Revised Statutes Supplement, 1986, and sections 48-627 and 48-652, Revised Statutes Supplement, 1987; to change definitions; to change provisions relating to eligibility conditions; to provide relief from certain charges as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1034. Introduced by Business and Labor Committee: Hall, 7th District, Chairperson; Chambers, 11th District;

Coordsen, 32nd District; Hefner, 19th District; Johanns, 27th District; Korshoj, 16th District; Labedz, 5th District.

A BILL FOR AN ACT relating to Workers' Compensation; to amend sections 48-128 and 48-162.02, Revised Statutes Supplement, 1987; to provide duties for the presiding judge of the Nebraska Workers' Compensation Court regarding certain funds as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1035. Introduced by Business and Labor Committee: Hall, 7th District, Chairperson; Chambers, 11th District; Coordsen, 32nd District; Hefner, 19th District; Johanns, 27th District; Korshoj, 16th District; Labedz, 5th District.

A BILL FOR AN ACT relating to employment agencies; to amend sections 48-504, 48-507, 48-513, 48-518, 48-519, 48-521, 48-523, and 48-524, Reissue Revised Statutes of Nebraska, 1943; to change the required amount of a bond; to change requirements for employment registers; to change a violation provision; to change provisions for issuing receipts for fees; to change posting requirements for fees; to require keeping records a certain period of time; to change provisions on refunding fees; to eliminate provisions on common or agricultural workers; and to repeal the original sections, and also sections 48-515 to 48-517, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1036. Introduced by Business and Labor Committee: Hall, 7th District, Chairperson; Chambers, 11th District; Coordsen, 32nd District; Hefner, 19th District; Korshoj, 16th District; Labedz, 5th District.

A BILL FOR AN ACT relating to unemployment benefits; to amend section 48-656, Reissue Revised Statutes of Nebraska, 1943, and section 48-649, Revised Statutes Supplement, 1986; to provide an administrative fee for employers who fail to make certain payments or file reports and schedules as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1037. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-326.01, Revised Statutes Supplement, 1986; to raise the fees for registration charged by counties; and to repeal the original section.

LEGISLATIVE BILL 1038. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302.03, 60-311.05, and 60-311.07, Reissue Revised Statutes of Nebraska, 1943; to authorize amateur radio station license plates for self-propelled mobile homes; to eliminate a fine for a continuing violation of operation of an unregistered vehicle; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 180. Title read. Considered.

Standing Committee amendments, AM0565, found in the Journal on page 1051 for the Forty-Second Day, First Session, 1987 were considered.

Mr. Wesely renewed his pending amendment, AM0779, found in the Journal on page 1428, First Session, 1987, to the Standing Committee amendments.

The Wesely amendment was adopted with 19 ayes, 0 nays, 20 present and not voting, and 10 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Rogers offered the following amendment:
to amend LB 180 in the following manner:
On p. 5, line 24, strike "fifty" and insert "five hundred" in its place.

The Rogers amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Pending.

MOTION - Escort Governor

Speaker Barrett moved that a committee of five be appointed to escort the Governor to the Chamber to deliver her State of the State and Budget Message.

The motion prevailed.

The Chair appointed Mesdames Langford, Morehead, Campbell, Labedz, and Ms. Scofield to serve on said committee.

The committee returned and escorted Governor Kay Orr to the Rostrum where she delivered the following State of the State and Budget Address.

STATE OF THE STATE ADDRESS

Mr. President, Mr. Speaker, ladies and gentlemen of the Legislature, my fellow Nebraskans:

It is my duty this morning and, indeed, a pleasure to report to you and to all Nebraskans on the state of our great state.

Based on an objective assessment of our progress and with proper regard for the challenges before us, I can report to you the following:

*Conditions in Nebraska are measurably improved.

*We are living within our means.

*As promised, we have not had any special sessions.

*The spirit of our citizens is healthy.

*There is sound reason for optimism and confidence.

*The foundation we have laid for a better Nebraska is a good one.

We have demonstrated that we can make a difference in the future of Nebraska. The course we charted together last year reflects vision and dreams of what can be. Together, let us continue on that course of progress.

Today I want to review with you...where we were...where we are today...and where we are going.

First...where we were: When we assembled here in January of last year,

*The general fund balance was near zero.

*We were confronted with approximately 20 million dollars in deficits.

*The Legislature had just finished the fourth budget-cutting Special Session in six years.

There was doubt about the ability of state government to manage its economic affairs. There was disagreement across the state concerning the future of our state's educational system.

We were confronted with a drastic change in the federal tax structure, a change which required us to take action at the state level.

There was pessimism in the business community across the state about the long-term viability of our economy. And there was evidence that our young adults lacked confidence in their future in Nebraska.

How did we respond? We...you as the Legislature and I as the Governor...took bold and decisive action...even though that action was not without risk...to come to grips with our problems.

I'm grateful for the support you gave to the initiatives of my administration to restructure our individual income tax system into a program that is fair to all our citizens...a program that restores stability...a program that maintains a simplicity of administration.

Your enactment of LB 775...with its performance-based incentives...is destined to produce more and better jobs for our citizens. The adoption of LB 270, and equally important measure, offers economic incentives to small business growth and job creation in both rural and urban areas...and includes farming and ranching operations.

In my Inaugural Address I brought you a message of optimism, tempered with realism; a message of hope leavened by pragmatism. While many challenges still remain, we are turning the corner. I am pleased to report that our optimism was not unfounded. This is where we are today. The people of this state are feeling a renewed confidence...and, more important, that confidence is reflected in their actions.

I have experienced this new spirit in each of the communities where we have established our "Capital for a Day"...and in my many other contacts with the people of our state. We truly have made a difference.

People's faith in their government in being restored because they have seen that government can act effectively and wisely.

There is something good happening in Nebraska...something that reflects a renewed vitality, a restored confidence, a reason to look forward to a better tomorrow. While difficulties remain, we have seen some improvement over the past year in the income of many Nebraskans engaged in production agriculture.

The way has been led by the livestock sector, and that is significant because nearly two-thirds of our state's gross income from agriculture is derived from livestock. That is good news. Still...we must not forget those farm families and rural communities where social and financial stress continue.

There is no single all-encompassing solution to this problem. It will take all our best efforts, working together, in a variety of ways, to steer the course for Nebraska in these times of transition.

As a result of the Legislature's action last year, an agricultural promotion and development unit has been established in the Department of Agriculture.

Its prime purpose is to help find new markets for our farm products. This unit, in collaboration with our commodity checkoff

boards and the University of Nebraska Food Processing Center, is working hard to open doors to new value-added markets.

Similar to our successful statewide economic development conference this past summer, planning is now underway for a statewide conference on agriculture to explore new means for strengthening our No. 1 industry.

The thrust of the conference will be to assess the opportunities available to us to adapt to the global changes in agriculture and to enhance our ability to compete in world markets.

While working toward the long term viability of agriculture, we must not forget one specific challenge which must be faced immediately.

That is, to determine a constitutional and equitable formula which will recognize the income-producing potential of agricultural land as an appropriate means of determining value for tax purposes.

We have already seen the success of performance-based programs in economic development: Thousands of new jobs are being created across the state.

We've reported to you on numerous occasions the number of companies that have applied, the projected dollar investments, and the number of jobs that will be created. It's a statistical record of which we can all be proud.

While the numbers are impressive, what we're really talking about is people, and their jobs, their attitudes, and their futures. A job is not just a number. It is the opportunity for those born and educated in our state to have a meaningful life in Nebraska. It's self-esteem and confidence...a family kept together and cared for...the mortgage being paid...dollars for educating our children. We have made a good beginning.

But if we are able to realize the potential which is ours, we must apply all our diligence, all our intellect, and all our available resources to address a disturbing trend which threatens our future.

There is a saying: "Solutions can't be found until problems are stated correctly." Let me state the problem: Nebraska has experienced substantial migration from our small towns and rural areas in the first 6 years of this decade. Only 6 of our 93 counties had net population growth during this period. There is evidence that in the last 2 years there has been a net population decrease due to outmigration. The largest outmigration was by a group we can least afford to lose, those between 25 and 39 years old...highly trained employees, managerial, professional, technical and skilled labor. If this loss continues, it is predicted that Nebraska's average population will be both older and less affluent. This loss will reverberate through future generations.

Why are productive young citizens leaving Nebraska? The answer is deceptively simple: They feel that they lack opportunity here. While we sometimes express satisfaction that our unemployment rates are relatively low, the harsh fact is that during the 1980's, employment in Nebraska has increased at a pace below the national average. While this trend is disturbing, it represents both a challenge and an opportunity...if only we have the will and the dedication to seize them. We cannot rest. It is our responsibility to build on the progress we have made...progress that in just one year is remarkable. But we still have so far to go.

We must provide for those who want to make a life in Nebraska the opportunity to work and earn a good living here. I'm talking about our sons and daughters, our nieces and nephews, and our neighbors and friends and their children.

The formula is a simple one: New jobs and a diversified economy mean less outmigration and an expanded tax base. Impatient as we all are to meet this challenge, we must recognize that the problems we face were not created overnight, nor will they be immediately overcome. We must stay the course, building on the foundation we have established.

Let me just say: The answer does not lie in increasing taxes. The answer lies in bolstering the economic vitality of our state by providing Nebraskans the means to earn a good living. That is where we are.

Now...in looking forward to where we are going, let us remember that during the past legislative session we charted a visionary course and adopted policies to provide for Nebraska's future in a changing economic world.

Our goal was to sustain and build upon our heritage of the good life in Nebraska...to become competitive for jobs...to develop opportunities, and to provide a basis for economic diversification and growth. We must continue to build upon the foundation we established last year.

We have now returned to a Biennial appropriation process, the first in twenty years. It is incumbent upon us to ensure that this process works. During the first session of the 90th Legislature, appropriations were made for the two year period which began last July 1.

Those actions taken by your body and approved by this Governor were intended to meet the continuing funding needs of state government...to provide those services which are essential for the good of our citizens and which are within their ability to finance.

The General Fund appropriations already established for this biennium include 886.7 million dollars for the current year and 915.1

million dollars for the upcoming fiscal year. The budget for the second year of the biennium includes already approved increases of 28.4 million dollars or 3.2%. Included in this increase are 11.8 million dollars for salary increases, 14.9 million dollars for increased aid to individuals and local governments, and 1.6 million dollars for additional operations of state government.

If we are to make the biennial budget process work, we must avoid approaching the budget on an annual basis. It is extremely important that the decisions we make today can be sustained in the future. We must not allow ourselves to succumb to the temptation to allocate funds to new programs, for which funding cannot be sustained. There is nothing more disruptive to the operation of government than mid-year special session budget cuts.

While we must continue to be prudent, the opportunity exists to make carefully selected investments in the future of our state...but...we must do so WITHIN CURRENT TAX RATES.

The Nebraska Economic Forecasting Advisory Board advises us that we can expect additional revenues of 45 million dollars in the current biennium. Those revisions will allow for limited new initiatives which I strongly encourage be directed toward the education of our young people.

There is no single issue more important to the future of Nebraska than education. Currently, funding for education represents 47% of our state's expenditures. This reflects the deep support Nebraskans have for education. I want to strengthen our tradition of that strong support because I believe it reflects our visions and dreams of what can be done, and what must be done, for our children.

We Nebraskans should be proud of our educational system. By virtually any standard of participation and educational attainment, our system compares favorably with those in other states. But because previous tax and planning policies made our state's fiscal condition very volatile, long term educational goals and essential government programs were not allowed to reach their full potential in the environment of constant mid-year cuts.

Last year I proposed several initiatives to reverse that trend. These programs to increase funding to improve the quality of education in our state must be continued. Using the additional revenues projected, I propose a number of budget initiatives in the field of education. There may be people who will say that the recommendations I am about to outline represent too much, too soon. To them, let me say that education plays a vital role in every aspect of our society.

It affects economic development. It has a profound impact on the quality of our life. It is the foundation on which we build and achieve

greatness. Education prepares our children for the future. It provides our citizens with the tools to make meaningful lives for themselves.

There also may be those who will say my proposals are too little...too late. To them, let me say the people of the State of Nebraska already are making a significant investment in education.

We must make certain that Nebraskans get the absolute maximum out of each dollar they invest in education. Taxpayers have a right to expect accountability for the investment we are making in our future, particularly for our children who are, after all, our most precious resource.

Improving our educational system is not a sprint...It is a marathon. Our additional investments must be made with the long view, and they must be carried forward into 1989 and beyond.

Today's kindergarteners will be the high school graduates of the year 2,000. The challenge we face is to see that they are prepared to compete successfully in the 21st Century.

I am, therefore, recommending the restoration of 10.7 million dollars for state aid to schools to prepare for opportunities in the future.

The needs for quality special education programs are compelling. Therefore, I am adding a total of 10.6 million dollars to provide for the deficit incurred in FY88 as well as provide a supplement for FY89.

We also just learned that the Nebraska Teacher Retirement System needs an infusion of 3.5 million dollars. We must stand by commitments made and consequently I am prepared to recommend this amount.

As I announced last summer, an additional appropriation of 4 million dollars to the University is specifically earmarked for research. In subsequent years it is intended that an additional 4 million dollars be provided each year for a five-year period.

This will result in total additional appropriations of 60 million dollars for University research and will increase the state-funded research base by 20 million dollars. The limited research capacity at the University of Nebraska has been forcefully...and repeatedly... brought to our attention. Basic research is a well-spring for innovation and economic growth and is a necessary component of the policies for economic progress to which we have committed ourselves.

Equally important to our educational goals is the retention and attraction of faculty and staff of the highest quality to our University and college systems.

Therefore, I am recommending to you today 10 million dollars for University and State College salaries. This amount is in addition to the 6.3 million dollars already appropriated for FY89. Together with

substantially enhanced research funding and internal reallocations, these recommendations, once adopted, will go a long way toward addressing the critical needs of our post-secondary education system.

This reconfirms our commitment and is in clear recognition of the need for creative talent to perform the teaching, research, and public service functions that the people of this state deserve.

I am also recommending a scholarship assistance program with an initial appropriation of 750,000 dollars. Funding of this program has been neglected for several years.

It is now time to move forward on commitments made in the past to ease the financial burden of obtaining a higher education.

As you are aware, I am recommending 1.7 million dollars for the Nebraska School of Technical Agriculture at Curtis. These funds will provide an important resource for transferring new knowledge and skills in technology from the University to the students at Curtis who are entering a rapidly changing agricultural environment.

Also, I am proposing the establishment of a scholarship fund at Curtis through the dedication of sales tax proceeds from the Farm Aid III ticket sales. It is hoped that additional scholarship funds will be forthcoming from alumni and businesses which benefit from the Curtis programs.

Just as we are working hard on the revitalization of our state's economy, we must begin the same type of effort on our educational system. These initiatives provide a springboard for excellence.

I am recommending the restoration of state aid to cities, counties, and natural resource districts in the amounts required by law. I am pleased to report that the collective bargaining process, established by LB 661, has resulted in a voluntary agreement with the NAPE/AFSCME bargaining unit representing approximately 6,500 employees...and a voluntary agreement with the NACE/AFSCME bargaining unit representing approximately 600 employees. These agreements provide for an across-the-board increase and a performance-based merit plan.

To address the needs of both union and non-union employees, collective bargaining was approached from the standpoint that results of any agreement be comparable and affordable...and that it recognize the many dedicated and hard working state employees. I am therefore recommending that those employees within the State Personnel System be afforded benefits in keeping with contracts recently signed. This administration will continue to work in the future to insure fair and equitable treatment of all state employees.

The Federal Government is requiring that states establish a revolving loan fund for waste water treatment construction. On my behalf LB 766 was introduced last year, and I urge you to enact this

bill into law. I am recommending 300,000 dollars as the initial cash flow requirement to fund this program.

I have asked Speaker Barrett to introduce legislation to create a Department of Natural Resources to house within one structure the responsibility for managing and planning the protection and preservation of our valued water and land resources.

Too often, the goals of sound planning and careful investment in our critical natural resources have been frustrated by lack of coordination among the many state organizations charged with the responsibility for providing leadership. The protection and preservation of our natural resources are far too important to be allowed to continue under the current organizational structure.

These initiatives plus funding for "A" bills amount to a 37.1 million dollar increase. We have received General Fund deficit and supplemental requests for an additional 33.3 million dollars. I am recommending funding of 23.4 million dollars of that request. Included are additional funds for special education, as mentioned earlier, and 4.3 million dollars for medicaid. These two entitlement programs require payment pursuant to a statutory formula.

In addition, there is included 538,000 dollars for asbestos removal at Wayne State College, a critically needed project. Included in the recommendation is 1.3 million dollars for the Attorney General to continue our efforts to protect Nebraskans' interests in the Deercreek lawsuit--although we are continuing to pursue negotiations in hope of an out-of-court settlement.

For the new Central Data Processing/Print Shop Building, as anticipated in the bond agreement, there is included 2.1 million dollars. I am recommending 800,000 dollars to the University for increased Health Insurance premiums. As you will recall, the University indicated in the budget submission last year that a rate of adjustment could be required during the second year of the biennium however, at that time the dollar amount of the adjustment was not known.

These adjustments, as well as a limited number of others in lesser amounts, are needed; and I recommend them for your consideration and approval.

Those actions plus 400,000 dollars for miscellaneous claims would require that the budget for the current fiscal year be increased by 10.6 million dollars and that the second year of the biennium be increased by 13.1 million dollars.

Actions already taken provide that any funds not spent during the first year are carried over into the second year and are available to be expended.

My recommendations including deficits, supplemental appropriations and new initiatives total 897.7 million dollars for FY 88 and 965.0 million dollars for FY 89, for a biennial appropriation of 1 Billion 863 Million dollars. This level of funding allows a reserve of 4.5 percent on a biennial basis.

Given the uncertainties that we face and the requirement that funding decisions made this year must be sustainable in the future, this level of reserve is prudent and responsible.

To commit to greater spending levels will not provide for the stability that we so urgently need and will almost certainly insure that future actions will be required to either increase taxes or cut budgets, neither of which is acceptable.

Therefore, I urge you to approach these off-year budget adjustments with caution and restraint. Responsible action dictates nothing less.

Ladies and Gentlemen--We are at a critical point in the history of our state. The cold weather of recent days reminds me of the story about a man alone in the wilderness who is building a fire to save his life. He has carefully prepared his kindling and just as it is ready to burst into flames snow falls from a branch above and extinguishes his efforts.

This story holds much for us today. The carefully prepared kindling has received the spark, and Nebraska's fire has started to glow. But the flame is fragile; and unless we proceed responsibly to tend that flame, it too could be extinguished.

We must gradually move ahead, avoiding the temptation to expect too much from our fire too soon. Dramatic spending increases, major policy reversals of the course set last session, new programs with large future commitments--will smother the flame.

On the other hand, if we progress prudently and steadily, and not expect too much too soon, we can continue to move Nebraska forward on the path we began last year...prepared to meet the challenges and opportunities which lie before us as we move boldly into the 21st century.

The committee escorted Governor Orr from the Chamber.

EASE

The Legislature was at ease from 10:30 a.m. until 10:36 a.m.

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 11, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Albin, John H. - Lincoln (Registered 87/11/10), DeCamp Legal Services, P.C.

Allan, Vernon A. - Scottsbluff, American Association of Retired Persons (Withdrawn 87/11/24); Oregon Trail Community Foundation (Registered 87/11/24)

Ayres, Joseph Warren - Lincoln, Nebraska Association of Home and Community Health Agencies (Registered 87/07/06) (Withdrawn 87/12/31)

Blackburn, Francis G. - Lincoln (Registered 87/12/15), Nebraska Cooperative Council

Bunger, Joyce D. - Omaha (Registered 87/12/28), First Data Resources, Inc.

Cavanaugh, James P. - Lincoln (Registered 88/01/06), O'Hara & Associates, Inc.

Coyne, Brian D. - Lincoln (Withdrawn 87/08/01), Nebraska Democratic State Central Committee

Crosby, Guenzel, Davis, Kessner & Kuester
Crosby, Robert B. - Lincoln, Security Investment Company (Registered 87/11/19)

Cutshall, Bruce A. - Lincoln, Nebraska Association of Home and Community Health Agencies (Registered 88/01/05); Nebraska Cooperative Council (Withdrawn 87/12/31)

Daehling, Nancy L. - Lincoln (Withdrawn 87/09/15), American Communications Group, Inc.

Davis, Timothy P. - Lincoln (Withdrawn 87/09/01), Nebraska Cooperative Council

DeCamp Legal Services, P.C.
DeCamp, John W. - Lincoln, Committee for Regional High School Systems (Registered 87/10/27); First Federal Savings & Loan Association of Lincoln (Registered 88/01/06); Justice for Nebraska Hearing Impaired (Withdrawn 87/09/30); Lady Luck Pickle Store (LLPS) (Registered 87/12/28); Loran Schmit on Behalf of Farmers (Withdrawn 87/11/24); Nebraska Pickle Card Proprietors (NPP) (Withdrawn 87/12/22); Nebraskans For Another Look (N.F.A.L.), Inc. (Registered 87/11/03); South

Sioux City Citizens for Fairness in Economic Promotion (Withdrawn 87/12/22); Thoroughbred of Nebraska, Inc. (Registered. 88/01/07); Veterans of Foreign Wars, Dept. of Nebraska (Registered 87/08/04)

Edgerton, Steve - Omaha (Registered 87/11/16), Nebraska Credit Union League, Inc.

Everson, Wullschleger, Sutter et al.

Korslund, Paul - Lincoln, Associated Credit Bureaus of Nebraska, Inc. (Registered 87/12/30)

Sharp, James - Lincoln, Associated Credit Bureaus of Nebraska, Inc. (Registered 87/12/30)

Galloway, Douglas W. - Topeka, KS (Registered 88/01/05), United Telephone Company of the West

Gilbert, Ann - Lincoln (Withdrawn 87/10/01), O'Hara & Associates, Inc.

Goings, Tina L. - Lincoln (Registered 87/09/18), International Association of Credit Card Investigators

Grieves, Verona - Lincoln (Registered 88/01/05), American Association of Retired Persons (AARP)

Hale, Susan M. - Lincoln (Registered 88/01/05), Planned Parenthood of Omaha and Council Bluffs

Hanson, Kyle - Kearney (Withdrawn 87/06/01), Kearney State College, Student Senate

Hersch, Alan - Lincoln (Registered 87/12/29), Minnegasco, Inc.

Ilg, Shawn M. - Lincoln (Registered 87/08/27), Associated Students of the University of Nebraska

Jensen, Ronald L. - Lincoln, Nebraska Association of Homes for the Aging (Registered 88/01/05); Sierra Club, Nebraska Chapter (Registered 88/01/06)

Jewell, Jan - Lincoln (Registered 87/12/28), DeCamp Legal Services, P.C.

Kelley, Michael - Omaha, American Savings (Registered 88/01/06); Omaha Metro Area Transit (Registered 88/01/06)

Larsen, Roger Hans - Lincoln (Registered 87/10/05), Nebraska State Education Association

Lewis, William R. (Rudy) - Lincoln (Withdrawn 87/06/01), University of Nebraska

Linenberger, Stephen J. - Lincoln (Withdrawn 87/06/29), Nebraska State Student Association

Litjen, Thomas R. - Omaha (Withdrawn 87/06/25), Mercy Midlands

Lombardi, Richard/American Communications Group

Lombardi, Richard A. - Lincoln, Nebraska State Students Association (Withdrawn 87/11/20); Papio Natural Resources District (Registered 87/12/16)

Lowrey, Lon D. - Florissant, MO (Registered 87/12/15), Sandoz Pharmaceuticals

MacDowell, L. J. - Lincoln (Registered 88/01/07), American Association of Retired Persons (AARP)

Mancuso, Mary J. - Lincoln (Registered 87/12/9), O'Hara & Associates, Inc.

McKillip, Monte - Lincoln (Registered 88/01/06), NE Public Interest Campaign Inc. (NPIC)

Milander, Delwyn - Lincoln (Registered 88/01/04), Nebraska Civil Liberties Union

Milbourn, Steven J. - Grand Island (Registered 87/11/02), National Cosmetology Association

Miller, Cy - Lincoln, American Association of Retired Persons (Registered 87/12/14); Nebraska Senior Citizens Council (Registered 88/01/11)

Moors, H. Jack - Lincoln (Registered 87/12/10), Friends of Faculty Senate

Mueller, William J./Knudsen, Berkheimer et al. - Lincoln, Nebraska Academy of Physicians Assistants (Withdrawn 87/12/30); PACE Membership Warehouse (Withdrawn 88/01/05)

Nelson & Harding
Schultz, Jack L. - Lincoln (Withdrawn 87/09/15), MCI Telecommunications Corporation

Nicholls, Edward C. - Omaha (Withdrawn 87/10/03), Nebraska Credit Union League

O'Hara & Associates - Lincoln, Bishop Clarkson Hospital (Registered 87/10/26); Blue Cross & Blue Shield of Nebraska (Registered 88/01/07); Lady Luck Picle Store, Inc. (Registered 88/01/07)

Paine, Shirley - Omaha (Withdrawn 87/07/01), Nebraska Academy of Physician Assistants

Pappas, James E. - Lincoln, Uniform School Opening Date (Registered 88/01/05); Norwest Bank - Nebraska, N.A. (Registered 88/01/06)

Parker, David R. - Lincoln, Great West Casualty Company (Registered 87/11/12); Joe Morten and Son, Inc. (Registered 87/11/12); Project Justice, Inc. (Withdrawn 87/08/25)

Pearsoll, Marcy - Lincoln (Registered 87/12/31), Nebraska Society For Respiratory Care

Pohlman, Jane D. - Lincoln (Registered 87/08/17), Junior League of Lincoln

Powell, David W. - Lincoln (Withdrawn 87/12/18), Association for Retarded Citizens - Nebraska

Prokop, Henry Wesley - Crete (Registered 88/01/07), Disabled American Veterans/Dept. of Nebraska

Radcliffe, Walter/Tews & Radcliffe

Radcliffe, Walter H. - Lincoln, Lincoln School of Commerce (Withdrawn 87/07/06); Nebraska Dietetic Association, Inc. (Registered 88/01/04); New York Life Insurance Company (Registered 87/07/13); Pickle Bingo Association (Registered 88/01/05); The Acreage (Withdrawn 87/07/06); The Guardian Life Insurance Company of America (Registered 87/07/06)

Rasmussen, Dennis - Lincoln, American Petroleum Institute (Registered 88/01/04); Nebraska Veterinary Medical Association, Inc. (Registered 87/09/14)

Remington, S. June - Lincoln (Registered 88/01/06), Nebraska Educational Service Units Board Association

Richard, Dwayne - Lincoln (Registered 87/07/08), Retail Merchants Association of Nebraska, Inc.

Robertson, Bryan P. - Lincoln (Withdrawn 87/08/29), UNL Student Government

Rupp, Lee - Lincoln (Registered 88/01/07), University of Nebraska

Ruth, Larry L./Knudsen, Berkheimer, et al. - Lincoln, Nebraska Academy of Physicians Assistants (Withdrawn 87/12/30); PACE Membership Warehouse (Withdrawn 88/01/05)

Ryan, James E. - Lincoln, Nebraska Judicial Council (Withdrawn 87/07/27); Project Justice, Inc. (Withdrawn 87/08/30)

Schwartz, Harvey A. - Lincoln (Registered 87/11/23), Nebraska Republican Party State Central Committee

Sieck, Harold F. - Pleasant Dale, Nebraska Farmers Union (Registered 87/12/18)

Simon, Ray - Omaha (Registered 87/12/16), Papio Natural Resources District

Skochdopole, R. A. - Omaha, Mercy Midlands (Withdrawn 87/06/25)

Stock, Darrell K. - Lincoln (Withdrawn 87/07/15), Christensen, Willard

Stone, Fred R. - Lincoln, Nebraska Petroleum Marketers, Inc. (Registered 87/07/06); Retail Merchants Association of Nebraska, Inc. (Withdrawn 87/07/06)

Sullivan-Arthur & Associates - Lincoln, Justice for Nebraska Hearing Impaired (Withdrawn 87/08/21); Nebraska Nutritional Information Association (Registered 87/12/18)

Van Pelt, Mark - Omaha (Registered 87/09/18), International Association of Credit Card Investigators

Vickers, Tom - Lincoln, American Association of University Professors-UNO (Registered 87/10/28); Tom Danehey (Withdrawn 87/06/01); Joint Strategy Action Team (Withdrawn 87/06/01);

Lincoln Public Schools (Registered 87/10/28); Nebraska Motorcyclist Coalition (Registered 87/12/14); Nebraska Technical Community College Association (Registered 87/10/28); Sierra Club, Nebraska Chapter (Withdrawn 87/06/01)

Walsh, Linda M. - Hastings (Registered 88/01/06), NE Society of Radiologic Technologists

Wewel, L. L. - Lincoln (Registered 87/07/08), Nebraska Wildlife Federation, Inc.

Williams, Jane - Lincoln (Withdrawn 87/06/01), Junior League of Lincoln

Yu, Anne - Grand Island (Registered 87/12/21), Nebraska American Association for Marriage & Family Therapy

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 488. Placed on Select File as amended.
E & R amendments to LB 488:
AM5239

1. In the L. Johnson et al. amendment, AM1564, adopted January 7, 1988:
   a. On page 1, line 4, after the first comma insert "any"; and in line 5 strike "other";
   b. On page 2, line 22, strike the comma; and
   c. On page 3, line 3, after the comma insert "the Revisor of Statutes shall substitute"; and in line 5 strike "shall be substituted".
2. On page 1, strike beginning with the second "to" in line 1 through the semicolon in line 2; and in line 5 after the semicolon insert "to provide duties for the Revisor of Statutes; to provide an operative date;".

LEGISLATIVE BILL 369. Placed on Select File as amended.
E & R amendments to LB 369:
AM5240

1. In the Standing Committee amendments, AM0755, adopted January 7, 1988:
   a. On page 1, line 18, after "be" insert "in";
   b. On page 2, line 21, after "sections" insert "25-2501 to 25-2506, 69-1701, 69-1702, and"; strike beginning with the first comma in line 21 through "2506" in line 22; and in line 24 insert paragraphing

before "The"; and

c. On page 3, line 3, after the second comma insert "and".

2. On page 1, strike beginning with "permit" in line 3 through "cases" in line 5 and insert "authorize the use of eminent domain for replacement property as prescribed".

(Signed) Scott Moore, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1039. Introduced by Revenue Committee: Hefner, 19th District, Vice Chairperson; Haberman, 44th District; Hartnett, 45th District; Landis, 46th District; Miller, 37th District; Peterson, 21st District; Rogers, 41st District.

A BILL FOR AN ACT relating to motor vehicle fuel taxes; to amend sections 66-408, 66-410, 66-473, 66-477, and 66-478, Reissue Revised Statutes of Nebraska, 1943, and section 66-401, Revised Statutes Supplement, 1987; to redefine terms; to change provisions relating to certain records; to provide an exception to the payment of taxes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1040. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to public employees; to amend sections 81-1341.01 and 81-1341.03, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to salary increases as prescribed; to change provisions relating to appropriations for salaries; to provide authority for the adjustment of terms and conditions of employment of certain employees; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1041. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1987, LB 245, section 1, Laws 1987, LB 564A, sections 1 to 4, Laws 1987, LB 769, section 1, Laws 1987, LB 780, sections 14, 19, 28, 29,

30, 81, 84, and 92, and Laws 1987, LB 781, sections 4, 8, 15, 22, and 33; to make deficiency appropriations; to make appropriations for capital construction; to change and eliminate provisions relating to appropriations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1042. Introduced by Speaker Barrett, 39th District, at the request of the Governor; R. Johnson, 34th District; Goodrich, 20th District; Elmer, 38th District; Labedz, 5th District; Weihing, 48th District; Dierks, 40th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to the state university and state colleges; to amend section 85-121, Reissue Revised Statutes of Nebraska, 1943; to provide a mission statement; to authorize an appropriation from the General Fund; to provide additional powers and duties for the Board of Regents; to provide for program review as prescribed; to make an appropriation; to repeal certain appropriation provisions; to repeal the original section, and also sections 85-121.01 and 85-121.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 1043. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1503.02, 2-1503.03, 2-1570, 2-3203, 2-3206, 2-3262, 2-4215, 31-1002 to 31-1004, 31-1017 to 31-1020, 31-1023, 31-1029, 31-1031, 46-208, 46-212.01, 46-288, 46-503, 46-514, 46-615, 46-665, 66-1105, 71-5313, 72-1237.01, 81-101, 81-102, 81-1502 to 81-1504, 81-1533, 81-1571, and 81-2304, Reissue Revised Statutes of Nebraska, 1943, sections 2-1503, 2-1503.01, 2-1507, 2-1579, 2-1585, 2-1587, 2-1588, 2-1592 to 2-1595, 2-15,100, 2-15,113, 2-3202, 2-4602, 2-4604, 46-2,109, 46-656, 46-658, 46-673.03, 46-674.06, and 46-1217, Revised Statutes Supplement, 1986, sections 2-15,119, 2-15,120, 2-3213, 49-506, and 49-617, Revised Statutes Supplement, 1987, and Laws 1981, LB 81, section 6; to create the Department of Natural Resources, the Director of Natural Resources, and the Natural Resources Board; to transfer, change, and provide powers and duties; to eliminate restrictions on the use of funds; to define and redefine terms; to create a fund; to provide duties for the Revisor of Statutes; to eliminate the Department of Water Resources, the Director of Water Resources, the Department of Environmental Control, the Director of Environmental Control, the Director of Natural

Resources, the Water Management Board, and the Nebraska Natural Resources Commission; to eliminate a technical advisory committee; to eliminate funds; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 2-1504.02, 2-1505, 46-212.02, 46-701 to 46-704, and 81-1505.01, Reissue Revised Statutes of Nebraska, 1943, sections 2-1504, 2-1504.03, 2-15,108, and 2-15,109, Revised Statutes Supplement, 1986, and sections 2-1506 and 2-1547, Revised Statutes Supplement, 1987.

GENERAL FILE

LEGISLATIVE BILL 180. 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 697. Title read. Considered.

Standing Committee amendments, AM0587, found in the Journal on page 1108 for the Forty-Fourth Day, First Session, 1987 were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 693. Title read. Considered.

Standing Committee amendment, AM0746, found in the Journal on page 1299 for the Fiftieth Day, First Session, 1987 lost with 0 ayes, 13 nays, 30 present and not voting, and 6 excused and not voting.

Mr. Wesely offered the following amendment:
(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1586.)

MR. HANNIBAL PRESIDING

The Wesely 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 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 693A. 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 352. Title read. Considered.

Standing Committee amendments, AM0932, found in the Journal on page 1649 for the Sixty-First Day, First Session, 1987, were considered.

Messrs. Landis and Baack offered the following amendment to the Standing Committee amendments:
(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1594.)

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

The Landis-Baack amendment was adopted with 13 ayes, 0 nays, 29 present and not voting, and 7 excused and not voting.

Mr. Chizek offered the following amendment to the Standing Committee amendments:
On page 2 strike after "244" the balance of line 12, all of line 13 and in line 14 strike "line 21; and"

Pending.

VISITORS

Visitors to the Chamber were Mayor Justus J. Dobesh from Kearney; Senator Bernard-Stevens' mother, Dr. Dorothy Joe Stevens; and Mary Jane Graver and Jimmy Zha from Parks School.

MOTION - Recess

Mr. Chizek moved to recess until 1:30 p.m. The motion prevailed with 19 ayes, 1 nay, 22 present and not voting, and 7 excused and not voting, and at 11:42 a.m., on a motion by Mr. Chizek, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:42 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford and V. Johnson who were excused; and Messrs. Baack, Barrett, Chambers, Conway, Haberman, R. Johnson, Landis, McFarland, Moore, Peterson, Remmers, Schellpeper, Schmit, Warner, Mesdames Higgins, Johanns, Marsh, and Morehead who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 352. Mr. Chizek withdrew his pending amendment found in this day's Journal.

Mr. Chizek offered the following amendment to the Standing Committee amendments:
(Amendment found in CORRECTIONS FOR THE JOURNAL on page 270.)

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 957 through 1031, legislative resolutions 257 and 258, and the rereferral of legislative bills 903 and 943.

LB	Committee
903	Natural Resources
943	Banking, Commerce and Insurance
957	Banking, Commerce and Insurance
958	Urban Affairs
959	Revenue
960	General Affairs
961	Government, Military and Veterans Affairs
962	Government, Military and Veterans Affairs
963	Agriculture
964	Natural Resources
965	Nebraska Retirement Systems

966 Health and Human Services
967 Health and Human Services
968 Judiciary
969 Transportation
970 Education
971 General Affairs
972 Revenue
973 Urban Affairs
974 Government, Military and Veterans Affairs
975 Urban Affairs
976 Urban Affairs
977 Government, Military and Veterans Affairs
978 General Affairs
979 Education
980 Agriculture
981 Urban Affairs
982 Judiciary
983 Judiciary
984 Banking, Commerce and Insurance
985 Government, Military and Veterans Affairs
986 Judiciary
987 Banking, Commerce and Insurance
988 Judiciary
989 Judiciary
990 Judiciary
991 Judiciary
992 Education
993 Banking, Commerce and Insurance
994 Banking, Commerce and Insurance
995 Banking, Commerce and Insurance
996 Banking, Commerce and Insurance
997 Banking, Commerce and Insurance
998 Banking, Commerce and Insurance
999 Revenue
1000 Transportation
1001 Government, Military and Veterans Affairs
1002 Natural Resources
1003 Education
1004 Transportation
1005 Transportation
1006 Transportation
1007 Transportation
1008 Transportation
1009 Transportation

1010	Health and Human Services
1011	Health and Human Services
1012	Health and Human Services
1013	Health and Human Services
1014	Health and Human Services
1015	Health and Human Services
1016	Urban Affairs
1017	Health and Human Services
1018	Revenue
1019	Transportation
1020	Judiciary
1021	Banking, Commerce and Insurance
1022	Natural Resources
1023	Natural Resources
1024	Revenue
1025	Banking, Commerce and Insurance
1026	Health and Human Services
1027	Transportation
1028	Education
1029	Appropriations
1030	Judiciary
1031	Natural Resources

LR	**Committee**
257	Government, Military and Veterans Affairs
258	Government, Military and Veterans Affairs

(Signed) Bernice Labedz, 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 1987 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lewis & Clark	944.00

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1044. Introduced by Miller, 37th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2101.01, 77-2103, 77-2104, 77-2106.01, 77-2108, and 81-1170, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to estate taxes; to define a term; to provide a rate schedule; to eliminate a limitation on the estate tax; to change a reference for claims provisions on overpayment; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1045. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3207, 2-3208, and 2-3210 to 2-3212, Reissue Revised Statutes of Nebraska, 1943, sections 2-3202 and 2-3215, Revised Statutes Supplement, 1986, and section 2-3213, Revised Statutes Supplement, 1987; to change provisions relating to changing district boundaries; to provide for transition into new districts; to change provisions relating to boards of directors; to provide for the election of the board of directors of merged districts; to eliminate hearing provisions; and to repeal the original sections, and also section 2-3209, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1046. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1101 and 46-1128, Revised Statutes Supplement, 1986, and section 46-1121, Revised Statutes Supplement, 1987; to provide a special permit as prescribed; to provide a fee; to change a provision relating to the expiration of certificates; to provide for the revocation of an applicator's certificate; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1047. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to appropriations; to make an appropriation to the Legislative Council as prescribed.

LEGISLATIVE BILL 1048. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to communications; to prohibit certain access to electronic communications services; to provide for

disclosure of communications as prescribed; to define terms; and to provide penalties.

LEGISLATIVE BILL 1049. Introduced by McFarland, 28th District; Hefner, 19th District.

A BILL FOR AN ACT relating to athletics; to adopt the Athlete Agents Registration Act; to provide penalties; and to provide severability.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 257. Placed on Select File as amended.
E & R amendments to LB 257:
AM5242

1. On page 1, line 3, strike "and" and after the comma insert "and 83-1078,"; and in line 6 strike "pending commitment;" and insert "as prescribed; to provide duties for the Department of Public Institutions;".

2. On page 2, line 8, strike "this act", show as stricken, and insert "the Nebraska Mental Health Commitment Act".

LEGISLATIVE BILL 582. Placed on Select File as amended.
E & R amendments to LB 582:
AM5241

1. In the Chizek amendment, AM1585, adopted January 8, 1988:

a. On page 1, line 19, after the comma insert "the";

b. On page 2, line 2, strike the second "or"; and in line 15 strike "of the State of Nebraska";

c. On page 3, line 8, after the first comma insert "or" and strike "or"; and in line 14 after "body" insert "fluid"; and

d. On page 4, line 7, after "testing" insert "device".

2. On page 1, strike beginning with "a" in line 2 through line 4 and insert "terms; to provide restrictions on the use of results of tests on body fluid and breath specimens; to provide requirements for such tests; and to provide penalties.".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 352 in the Journal. No objections. So ordered.

AM1600

1. Insert the following new sections:

"Sec. 18. That section 15-1202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1202. ~~(1)~~ The party appealing shall within thirty days from the date of the order or decision complained of:

~~(a)~~ (1) File a notice of appeal with the city clerk specifying the parties taking the appeal and the order or decision appealed from~~;~~ and shall serve a copy of the notice upon the city attorney. The notice of appeal shall serve as a praecipe for a transcript;

~~(b)~~ (2) Deposit with the city clerk a docket fee in the amount of the filing fee in district court for cases originally commenced in district court; and

~~(c)~~ (3) Deposit with the city clerk a cash bond or undertaking with at least one good and sufficient surety approved by the city clerk, in the amount of two hundred dollars, on condition that the appellant will satisfy any judgment and costs that may be adjudged against him or her. ~~; and~~

~~(d) Deposit with the city clerk the fees for the preparation of a certified and complete transcript of the proceedings of the city relating to the order or decision appealed.~~

~~(2) Satisfaction of the requirements of subdivision (1)(a) of this section shall perfect the appeal and give the district court jurisdiction of the matter appealed.~~

Sec. 19. That section 15-1203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1203. ~~Upon perfection of the appeal, the~~ The city clerk, on payment to him or her of the costs of

the transcript, ~~and the docket fee,~~ shall transmit within fifteen days to the clerk of the district court the docket fee and a certified and complete transcript of the proceedings of the city relating to the order or decision appealed. After receipt of such fee and transcript, ~~whereupon~~ the clerk of the district court shall docket the appeal.

Sec. 20. That section 15-1204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1204. The party appealing shall file a petition within thirty days from the date the ~~appeal is perfected~~ notice of appeal is filed. Satisfaction of the requirements of section 15-1202 and this section shall perfect the appeal and give the district court jurisdiction of the matter appealed.".

2. On page 249, line 15, after the third comma insert "15-1202 to 15-1204,".

3. Renumber the remaining sections accordingly.

ANNOUNCEMENT

Mr. Withem announced an executive session of the Education Committee on Thursday, January 14, 1988 at 8:30 a.m. in Room 2102.

GENERAL FILE

LEGISLATIVE BILL 352. The pending Chizek amendment, AM1610, to the Standing Committee amendments found in this day's Journal, was renewed.

Mr. Abboud 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. Abboud moved for a call of the house. The motion prevailed with 11 ayes, 3 nays, and 35 not voting.

Mr. Abboud requested a roll call vote on the Chizek amendment to the Standing Committee amendments.

Voting in the affirmative, 21:

Bernard-Stevens	Elmer	Labedz	Miller	Schmit
Beyer	Haberman	Lamb	Remmers	Scofield
Chizek	Hall	Langford	Rogers	Weihing
Dierks	Hefner	Lynch	Schellpeper	Withem
	Higgins			

Voting in the negative, 18:

Abboud	Conway	Hartnett	Landis	Warner
Baack	Coordsen	Johnson, L.	Nelson	Wehrbein
Barrett	Goodrich	Johnson, R.	Smith	Wesely
Campbell	Hannibal	Korshoj		

Present and not voting, 5:

Chambers	McFarland	Moore	Peterson	Pirsch

Excused and not voting, 5:

Ashford	Johanns	Johnson, V.	Marsh	Morehead

The Chizek amendment was adopted with 21 ayes, 18 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 11 nays, 8 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.

Advanced to E & R for Review with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 305. Title read. Considered.

Mr. Hartnett withdrew his pending amendment, AM0669, found in the Journal on page 1189, First Session, 1987.

Mr. Wehrbein offered the following amendment:
Strike Section 12

Messrs. Abboud and Goodrich asked unanimous consent to be excused until they return. No objections. So ordered.

The Wehrbein amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 305A. 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 117. Title read. Considered.

Standing Committee amendments, AM0250, found in the Journal on page 707 for the Twenty-Seventh Day, First Session, 1987 were considered.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

The Standing Committee amendments were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 117.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Campbell asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 3:

Baack	Chambers	Hall		

Voting in the negative, 33:

Abboud	Elmer	Labedz	Nelson	Schmit
Barrett	Haberman	Landis	Peterson	Scofield
Beyer	Hannibal	Langford	Pirsch	Smith
Chizek	Hefner	McFarland	Remmers	Warner
Conway	Higgins	Miller	Rogers	Wehrbein
Coordsen	Johnson, L.	Moore	Schellpeper	Weihing
Dierks	Korshoj	Morehead		

Present and not voting, 7:

Bernard-Stevens	Hartnett	Lynch	Wesely	Withem
	Johanns	Marsh		

Excused and not voting, 6:

Ashford	Goodrich	Johnson, R.	Johnson, V.	Lamb
Campbell				

The Chambers motion lost with 3 ayes, 33 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Elmer, Haberman, and Mrs. Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Abboud	Hannibal	Langford	Nelson	Schmit
Barrett	Hartnett	Marsh	Peterson	Smith
Beyer	Hefner	McFarland	Pirsch	Warner
Chizek	Johnson, L.	Miller	Remmers	Wehrbein
Conway	Johnson, R.	Moore	Rogers	Weihing
Coordsen	Korshoj	Morehead	Schellpeper	Wesely
Dierks	Labedz			

Voting in the negative, 3:

Chambers	Hall	Lynch

Present and not voting, 6:

Baack	Bernard-Stevens	Johanns	Landis	Scofield Withem

Excused and not voting, 8:

Ashford	Elmer	Haberman	Johnson, V.	Lamb
Campbell	Goodrich	Higgins		

Advanced to E & R for Review with 32 ayes, 3 nays, 6 present and not voting, and 8 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1050. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1987; to change the exemption of certain food and food products from the sales and use tax as prescribed; to create a fund; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1051. Introduced by Conway, 17th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-549, Reissue Revised Statutes of Nebraska, 1943; to increase a financial responsibility deposit requirement; and to repeal the original section.

LEGISLATIVE BILL 1052. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1736 to 18-1740, Revised Statutes Supplement, 1987; to define a term; to provide handicapped or disabled parking permits for

elderly persons as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1053. Introduced by Conway, 17th District; Baack, 47th District; Schmit, 23rd District; Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3906, Reissue Revised Statutes of Nebraska, 1943; to provide for a tax on marijuana and controlled substances; to define terms; to provide powers and duties for the Tax Commissioner and Department of Revenue relating to the collection and enforcement of such tax as prescribed; to harmonize provisions; to provide penalties; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 1054. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to prison sentences; to amend section 83-1,106, Reissue Revised Statutes of Nebraska, 1943; to require credit for time spent in custody as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1055. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to medication assistants; to state intent; to define terms; to permit the use of medication assistants as prescribed; to require departmental approval of medication assistants; to provide a course of training for medication assistants as prescribed; to provide powers relating to storage, handling, and disposal of medication; to provide powers relating to the discipline of medication assistants, persons conducting courses, and facilities; to provide procedures; to eliminate existing law relating to medication assistants; and to repeal section 71-2017.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1056. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to health; to amend section 71-2023, Reissue Revised Statutes of Nebraska, 1943; to authorize the imposition of disciplinary measures on certain health care facilities as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 1057. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-4010, Reissue Revised Statutes of Nebraska, 1943; to provide for licensing without examination for certain applicants; and to repeal the original section.

LEGISLATIVE BILL 1058. Introduced by Marsh, 29th District.

A BILL FOR AN ACT relating to cities of the primary class; to authorize contracts for the leasing of property as prescribed.

LEGISLATIVE BILL 1059. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to nonresident high school education; to amend section 79-4,102, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the certification of the tuition charge; and to repeal the original section.

LEGISLATIVE BILL 1060. Introduced by Chizek, 31st District; Wesely, 26th District; Lynch, 13th District.

A BILL FOR AN ACT relating to asbestos; to amend sections 71-6301 to 71-6307, 71-6309, 71-6310, and 71-6312 to 71-6314, Reissue Revised Statutes of Nebraska, 1943; to name an act; to define and redefine terms; to change provisions relating to asbestos projects conducted by exempt organizations; to provide fees; to change certain license qualifications; to change provisions relating to applications for licenses and waivers; to change a provision relating to the length of time records are required to be kept; to change provisions relating to waiver of licenses; to change penalties; to change procedures relating to disciplinary actions; to provide continuing education requirements; to provide for certification of asbestos personnel as prescribed; to provide duties for the Department of Health; to provide rules and regulations; to harmonize provisions; to repeal the original sections, and also section 71-6308, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 1061. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Department of Environmental Control; to amend sections 81-1507, 81-1521.23, 81-1526, 81-1528, 81-1531.02, and 81-1532, Reissue Revised Statutes of Nebraska, 1943; to authorize the department to require the supplying of potable water; to change provisions relating to certain hearings and other

proceedings; to authorize orders requiring corrective action; to authorize administrative fines; to eliminate obsolete provisions relating to local pollution control programs, a regulatory policy for uranium mining, and rules and regulations governing mineral exploration holes; to harmonize provisions; and to repeal the original sections, and also section 81-1505.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1062. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Department of Environmental Control; to amend sections 81-1502, 81-1504, 81-1505, 81-1505.01, 81-1510, 81-1511, 81-1518, and 81-1521.21, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to authorize consideration of additional factors for denial, suspension, modification, and revocation of permits and licenses; to authorize a schedule of fees; to change provisions relating to the disposition of certain fees; to change and provide additional criteria for rules and regulations; to eliminate procedural provisions inconsistent with or duplicative of the Administrative Procedure Act; to change, limit, and expand various enforcement powers and procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1063. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Department of Environmental Control; to amend sections 81-1505.01 and 81-1532, Reissue Revised Statutes of Nebraska, 1943; to authorize the collection of costs from certain permittees who are in significant noncompliance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1064. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2756 and 77-2790, Reissue Revised Statutes of Nebraska, 1943, and section 77-2753, Revised Statutes Supplement, 1987; to change provisions relating to the withholding of wages; to change a filing date; to provide a penalty; and to repeal the original sections.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 703 in the Journal. No objections. So ordered.

1. Strike the standing committee amendments (SCA0527).

2. On page 2, line 7, after "Nebraska" insert "if such branches are located within (a) the boundaries of any Class 6 or Class 7 county as classified under section 23-1114.01 or (b) within the corporate limits of the city in which the premises specified as its place of business in its charter is located".

3. On page 3, line 22, strike "With", show as stricken, and insert "Notwithstanding the limitations provided in subsection (1) of this section, with".

4. On page 4, line 7, before the stricken "(4)" insert "(3)" and after the stricken "With" insert "Notwithstanding the limitations provided in subsection (1) of this section, with"; reinstate beginning with the first stricken "the" in line 7 through the stricken "establish" in line 9; in line 9 after the reinstated "establish" insert "a branch bank"; reinstate beginning with the stricken "within" in line 10 through the stricken period in line 14; in line 25 reinstate beginning with the stricken "For" through the stricken "subsection" and after the reinstated "subsection" insert ", financial institution shall mean a bank, building and loan association, savings and loan association, industrial loan and investment company, or credit union.".

5. On page 5, line 8, strike "(3)" and insert "(4)"; and in line 16 strike "(4)" and insert "(5)".

6. On page 6, reinstate the stricken matter in lines 13 through 17.

7. On page 8, line 13, strike "(5)" and insert "(6)"; and in line 19 strike "(6)" and insert "(7)".

8. On page 9, line 3, strike "(7)" and insert "(8)"; and in line 19 strike "(8)" and insert "(9)".

9. On page 10, line 3, strike "(9)" and insert "(10)"; in line 15 strike "(10)" and insert "(11)"; and in line 24 strike "(11)" and insert "(12)".

10. On page 15, line 12, strike the new matter and reinstate the stricken matter.

11. On page 16, line 5, strike the new matter and reinstate the stricken matter and strike "subsection", show as stricken, and insert "subsections (2) and".

MOTION - Rerefer LB 928

Mr. Wesely moved to rerefer LB 928 to the Health and Human Services Committee.

Laid over.

MOTION - Rerefer LB 861

Mr. Wesely moved to rerefer LB 861 to the Health and Human Services Committee.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Wehrbein asked unanimous consent to have his name added as co-introducer to LB 1027. No objections. So ordered.

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 935. No objections. So ordered.

Mr. Beyer asked unanimous consent to have his name added as co-introducer to LB 961. No objections. So ordered.

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 1002. No objections. So ordered.

Mr. Korshoj asked unanimous consent to have his name added as co-introducer to LB 1045. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 259. Introduced by Withem, 14th District; Hartnett, 45th District.

WHEREAS, John McCormick graduated from Gross High School as an all-state defensive lineman; and

WHEREAS, John McCormick has been an outstanding offensive guard for the University of Nebraska Cornhusker football team; and

WHEREAS, John earned academic All-Big Eight honors this season, finishing with a 3.19 grade point average and graduating in December of 1987 with a bachelor's degree in Business Administration; and

WHEREAS, John McCormick earned many honors including first-team Associated Press All-American, first-team Football News, first-team Kodak Coaches' Team, first-team Football Writers, and first-team All-Big Eight, and UPI placed him on its second All-American team.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates John McCormick on his superior academic accomplishments and outstanding achievements in football.

2. That a copy of this resolution be presented to Mr. John McCormick.

3. That the Legislature congratulates John's parents, Tom and Nancy McCormick, and that a copy of this resolution be forwarded to them.

4. That a copy of this resolution be forwarded to the University of Nebraska-Lincoln football program.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1065. Introduced by Moore, 24th District; Elmer, 38th District; L. Johnson, 15th District; Coordsen, 32nd District; Hefner, 19th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend sections 39-694, 39-695, 60-2103, and 60-2105 to 60-2108, Reissue Revised Statutes of Nebraska, 1943, section 60-2101.01, Revised Statutes Supplement, 1986, and sections 39-602, 60-301, 60-401, 60-501, 60-2102, and 60-2801 to 60-2807, Revised Statutes Supplement, 1987; to change provisions relating to the operation of motorcycles; to define and redefine terms; to require registration of certain all-terrain vehicles and licensure of the operators of such vehicles; to regulate the operation, sale, and equipping of certain all-terrain vehicles; to provide penalties; to change provisions regulating the operation and equipping of certain all-terrain vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1066. Introduced by McFarland, 28th District; Labedz, 5th District; Landis, 46th District; Wesely, 26th District; Warner, 25th District; Marsh, 29th District; Hall, 7th District; Johanns, 27th District.

A BILL FOR AN ACT relating to financial institutions; to define terms; to state intent; to provide a procedure for the payment of certain claims of depositors as prescribed; to provide powers and duties for the Department of Banking and Finance; to appropriate money for such payment; and to declare an emergency.

VISITORS

Visitors to the Chamber were Charles Tilson from Elwood; former Senator Cal Carsten; and Charles and Lois Backer from Tekamah.

ADJOURNMENT

At 4:29 p.m., on a motion by Mr. Hannibal, the Legislature adjourned until 9:00 a.m., Tuesday, January 12, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 12, 1988

LEGISLATIVE JOURNAL

FIFTH DAY - JANUARY 12, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 12, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Chaplain Stuart Firnhaber, Lincoln Correctional Center, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Abboud, Ashford, Beyer, Chambers, Conway, Haberman, Hall, R. Johnson, Lamb, Rogers, Schmit, Mesdames Higgins, Labedz, Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 252, strike lines 16 and 17 and insert AM1610.
AM1610

1. On page 2, strike beginning with "strike" in line 12 through "and" in line 14.

2. On page 3, line 5, strike "and" and before the period insert "; and in line 15 after the second comma insert '84-913,'.".

3. On page 11, line 9, after the first period insert:

"Sec. 186. That section 84-913, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

84-913. (1) In any contested case all parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall state the time, place, and issues involved, but if, by reason of the nature of the proceeding, the issues cannot be fully stated in advance of the hearing or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable. Opportunity shall be afforded all parties to present evidence and argument with respect thereto. The agency shall prepare an official record, which shall include testimony and exhibits, in each contested case, but it shall not be necessary to transcribe shorthand notes unless requested for purpose of rehearing, in which event the transcript and record shall be furnished by the agency upon request and tender of the cost of preparation. Informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order, or default. Each agency shall adopt and promulgate appropriate rules and regulations for notice and hearing in contested cases.

(2) Unless the agency is notified by any party as provided in this subsection, the hearing shall be conducted at the location determined by the hearing officer or as otherwise agreed to by the parties. Any party to a formal hearing before an agency may demand that such hearing be held in the county of his or her residence by delivering to such agency at least twenty days prior to the holding of such hearing a written demand therefor.".

The Journal for the Fourth Day was approved as corrected.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 254, LR 255, and LR 256.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1067. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Grain Warehouse Act; to amend sections 88-530 and 88-532, Reissue Revised Statutes of Nebraska, 1943; to authorize additional forms of security for licensees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1068. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to school funds; to amend section 79-1303, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the appraised value of school land; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 191. Title read. Considered.

Standing Committee amendment, AM0261, found in the Journal on page 714 for the Twenty-Seventh Day, First Session, 1987 lost with 2 ayes, 8 nays, 23 present and not voting, and 16 excused and not voting.

Mr. Landis withdrew his pending amendments, AM0488, found in the Journal on page 948, AM0549, found in the Journal on page 1009, AM0636, found in the Journal on page 1133, and AM0662, found in the Journal on page 1221, First Session, 1987.

Messrs. Landis and Remmers renewed their pending amendment, AM0719, found in the Journal on page 1232, First Session, 1987.

The Landis-Remmers amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

SPEAKER BARRETT PRESIDING

Advanced to E & R for Review with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 111. Title read. Considered.

Mr. Hefner renewed his pending amendment, AM0706, found in the Journal on page 1354, First Session, 1987.

The Hefner amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 478. Title read. Considered.

Mr. Withem offered the following amendment:
AM0378

1. On page 2, line 7, after "petitioner" insert ". The omission of a printed name of a petitioner shall not disqualify a person as a petitioner".

The Withem amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 713. Title read. Considered.

Standing Committee amendments, AM0307, found in the Journal on page 787 for the Thirtieth Day, First Session, 1987 were considered.

MR. HANNIBAL PRESIDING

Mr. Barrett offered the following amendment to the Standing Committee amendments:

to amend the Committee amendment, 0307, found on page 787 of the Legislative Journal, on Line 4 strike the new matter after the word "licensed", strike lines 5 & 6, and on line 4 insert after the word "licensed" real estate appraiser who is a Member of the Appraisal Institute, or a Residential Member by the American Institute of Real Estate Appraisers, a Senior Real Estate Analyst, a Senior Real Property Appraiser, or a Senior Residential Appraiser by the Society of Real Estate Appraisers, or an American Society Appraiser by the American Society of Appraisers.

The Barrett amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch offered the following amendment:
on page 2, lines 9 through 11, reinstate the stricken matter, and line 11 strike the period and insert a comma, and on line 12 strike "A" and insert "except, that a"

The Lynch amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SPEAKER BARRETT PRESIDING

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 1009	Tuesday, January 19, 1988	1:30 p.m.
LB 857	Tuesday, January 19, 1988	1:30 p.m.
LB 1004	Tuesday, January 19, 1988	1:30 p.m.
LB 900	Tuesday, January 19, 1988	1:30 p.m.
LB 824	Tuesday, January 19, 1988	1:30 p.m.
LB 833	Tuesday, January 19, 1988	1:30 p.m.

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 673 in the Journal. No objections. So ordered.

AM1609

1. On page 4, line 20, after "review" insert "for disciplinary cases which involve the imposition of disciplinary isolation, the loss of good-time credit, or a change in work, education, or other program assignment"; and in line 21 after the period insert "Such judicial review may only be invoked after

completion of any review of the hearing prescribed by section 83-4,122 by the department.".

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 1029. No objections. So ordered.

Mr. Rogers asked unanimous consent to have his name added as co-introducer to LB 792. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 395. Title read. Considered.

Mrs. Higgins renewed her pending amendment found in the Journal on page 880, First Session, 1987.

Mr. Haberman 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 prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Hannibal requested a roll call vote on the Higgins amendment.

Voting in the affirmative, 29:

Abboud	Campbell	Hefner	Lynch	Pirsch
Baack	Conway	Higgins	Marsh	Rogers
Barrett	Coordsen	Johnson, L.	Moore	Schellpeper
Bernard-Stevens	Dierks	Labedz	Morehead	Smith
Beyer	Elmer	Lamb	Nelson	Wehrbein
	Haberman	Langford	Peterson	Wesely

Voting in the negative, 17:

Ashford	Hartnett	Landis	Remmers	Warner
Chizek	Johanns	McFarland	Schmit	Weihing
Hall	Johnson, R.	Miller	Scofield	Withem
Hannibal	Korshoj			

Present and not voting, 1:

Chambers

Absent and not voting, 1:

Goodrich

Excused and not voting, 1:

Johnson, V.

The Higgins amendment was adopted with 29 ayes, 17 nays, 1 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

PRESIDENT NICHOL PRESIDING

Mr. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

NOTICE OF COMMITTEE HEARINGS
Agriculture

LB 871	Tuesday, January 19, 1988	1:30 p.m.
LB 874	Tuesday, January 19, 1988	1:30 p.m.
LB 872	Tuesday, January 19, 1988	1:30 p.m.
LB 980	Tuesday, January 19, 1988	1:30 p.m.

(Signed) R. Johnson, Chairperson

MESSAGES FROM THE GOVERNOR

January 11, 1988

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

Appointee:
Robert C. Kayton, Rt. 2, Cedar Rapids, NE 68627, (w) 308-395-2181

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

January 12, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Public Employees Retirement Board, requiring legislative confirmation.

Appointee:
Ronald W. Saalfeld, 2704 16th St., Columbus, NE 68601, (w) 564-3431

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

January 12, 1988

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

State Capitol Building
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 Public Employees Retirement Board, requiring legislative confirmation.

Appointee:
Miguel A. Gomez, 5730 Dennis Drive, Lincoln, NE 68506

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1069. Introduced by Chizek, 31st District; Moore, 24th District; Korshoj, 16th District; Labedz, 5th District; Ashford, 6th District.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-151, Revised Statutes Supplement, 1986, and section 48-120, Revised Statutes Supplement, 1987; to require employers to pay for certain medical tests as prescribed; to redefine a term; to provide compensation for certain diseases as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1070. Introduced by Chizek, 31st District; Korshoj, 16th District; Ashford, 6th District.

A BILL FOR AN ACT relating to public health and welfare; to require boards of health and health care facilities to provide patient information to persons rendering emergency medical or rescue services and funeral directors as prescribed; to define terms; to prohibit release of confidential information; and to provide a penalty.

LEGISLATIVE BILL 1071. Introduced by Chizek, 31st District; Korshoj, 16th District.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 28-308, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to assault; to provide a penalty for transmitting certain diseases and for failing to disclose the presence of certain diseases to prescribed individuals; and to repeal the original section.

LEGISLATIVE BILL 1072. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to economic development; to amend sections 77-4101, 77-4103, and 77-4104, Revised Statutes Supplement, 1987; to define terms; to change the application procedure under the Employment and Investment Growth Act; to require evaluation of such applications by the Legislative Fiscal Analyst; to state intent; to require an evaluation of certain departments, programs, and entities by the Legislative Fiscal Analyst as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1073. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,207, Reissue Revised Statutes of Nebraska, 1943; to authorize a tax levy for the abatement of environmental hazards; to eliminate legislative findings and related provisions concerning asbestos; to repeal the original section, and also section 79-4,206, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 1074. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to economic development; to state intent; to provide long-term appropriations for certain economic development activities as prescribed; and to require performance reviews.

LEGISLATIVE BILL 1075. Introduced by Banking, Commerce and Insurance Committee: Remmers, 1st District, Chairperson; Conway, 17th District; Goodrich, 20th District; Lynch, 13th District; Weihing, 48th District.

A BILL FOR AN ACT relating to insurance; to eliminate provisions relating to educational requirements for agents selling sickness and

accident and life insurance; and to repeal sections 44-336 to 44-336.06, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1076. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1331, 79-1333, 79-1333.01, 79-1333.02, 79-1334, 79-1336, and 79-1338, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change financial assistance to school districts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1077. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to schools; to authorize the leasing of school district property as prescribed.

LEGISLATIVE BILL 1078. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to drainage districts; to amend sections 31-409 and 31-409.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the election of directors; to provide for precinct elections as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1079. Introduced by Hefner, 19th District; Abboud, 12th District.

A BILL FOR AN ACT relating to state agencies; to adopt the Prompt Payment Act; to eliminate provisions relating to payment of accounts; and to repeal sections 81-1111.01 to 81-1111.03, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1080. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Campbell, 22nd District; Coordsen, 32nd District; Dierks, 40th District; Remmers, 1st District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to real property; to amend sections 76-1201 to 76-1204, 76-1206 to 76-1208, and 76-1211 to 76-1213, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to persons displaced by publicly financed projects; to define

and redefine terms; to provide duties for the Department of Roads; to state intent; to authorize certain payments to displaced persons; to require relocation services as prescribed; to prohibit duplicate payments; to eliminate provisions relating to payments to displaced persons and relocation services; to harmonize provisions; and to repeal the original sections, and also sections 76-1205 and 76-1209, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1081. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to education; to state intent; to define terms; to require achievement tests; to provide powers and duties; and to provide an exemption.

LEGISLATIVE BILL 1082. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to economic development; to adopt the Community Economic Development Partnership Act.

LEGISLATIVE BILL 283A. Introduced by Withem, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 283, Ninetieth Legislature, Second Session, 1988.

GENERAL FILE

LEGISLATIVE BILL 395. Considered.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mrs. Morehead moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. Hall requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud	Campbell	Haberman	Johnson, L.	Lynch
Barrett	Elmer	Hefner	Lamb	Marsh
Beyer	Goodrich	Higgins	Langford	Moore

Morehead	Peterson	Rogers	Smith	Weihing
Nelson	Pirsch	Schellpeper	Wehrbein	Wesely

Voting in the negative, 22:

Ashford	Chizek	Hannibal	Labedz	Schmit
Baack	Conway	Hartnett	Landis	Scofield
Bernard-Stevens	Coordsen	Johanns	McFarland	Warner
	Dierks	Johnson, R.	Remmers	Withem
Chambers	Hall	Korshoj		

Excused and not voting, 2:

Johnson, V. Miller

Advanced to E & R for Review with 25 ayes, 22 nays, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 550. Title read. Considered.

Standing Committee amendments, AM0335, found in the Journal on page 826 for the Thirty-Second Day, First Session, 1987 were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1083. Introduced by Landis, 46th District; Goodrich, 20th District; Schmit, 23rd District; Weihing, 48th District; Lynch, 13th District; Conway, 17th District; Remmers, 1st District; Haberman, 44th District.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend section 58-207, Reissue Revised Statutes of Nebraska, 1943, and section 58-201, Revised Statutes Supplement, 1986; to state intent; to define a term; to authorize political subdivisions to enter into certain joint agreements; to provide

additional powers for the authority with regard to political subdivisions and investments; to harmonize provisions; to repeal the original sections; and to declare an emergency.

VISITORS

Visitors to the Chamber were 9 sixth grade students and sponsor from Sacred Heart School, Lincoln; and 3 students and instructor from Lincoln Southeast High School.

RECESS

At 11:43 a.m., on a motion by Mr. Beyer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Ashford, Haberman, Landis, Lynch, McFarland, Peterson, Mesdames Higgins, Johanns, and Ms. Scofield who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1032 through 1066.

LB	Committee
1032	Transportation
1033	Business and Labor
1034	Business and Labor
1035	Business and Labor
1036	Business and Labor
1037	Transportation
1038	Transportation
1039	Revenue
1040	Appropriations
1041	Appropriations
1042	Appropriations
1043	Natural Resources

1044 Revenue
1045 Natural Resources
1046 Natural Resources
1047 Appropriations
1048 Judiciary
1049 Judiciary
1050 Revenue
1051 Transportation
1052 Urban Affairs
1053 Revenue
1054 Judiciary
1055 Health and Human Services
1056 Health and Human Services
1057 Banking, Commerce and Insurance
1058 Urban Affairs
1059 Education
1060 Health and Human Services
1061 Natural Resources
1062 Natural Resources
1063 Natural Resources
1064 Revenue
1065 Transportation
1066 Banking, Commerce and Insurance

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 180. Placed on Select File as amended.
E & R amendments to LB 180:
AM5244

1. On page 1, line 2, strike "section" and insert "sections"; and in line 7 after the semicolon insert "to provide a fee;".

2. On page 4, line 21, insert paragraphing before "(1)"; and in line 25 insert paragraphing before "(2)" and strike "person" and insert "Person".

3. On page 5, line 25, insert paragraphing before "Upon".

4. On page 6, line 2, strike "applicant" and insert "application"; and in line 18 insert paragraphing

before "Prior".

5. On page 7, line 4, insert paragraphing before "(1)"; in line 8 insert paragraphing before "(2)" and strike "as", show as stricken, and insert "As"; in line 13 insert paragraphing before "(3)"; in line 15 strike "prevent" and insert "Prevent"; and in line 19 insert paragraphing before "Any".

6. On page 8, line 23, strike the underscored comma and insert "and the" and in line 24 strike "the" and show as stricken.

7. On page 9, line 13, strike "to", show as stricken, and insert "or operated on"; and in line 18 after the second "to" insert "connect or".

LEGISLATIVE BILL 697. Placed on Select File as amended.
E & R amendments to LB 697:
AM5243

1. In the Standing Committee amendment, AM0587, adopted January 11, 1988:

a. On page 1, line 11, strike "or developmentally disabled" and strike ", a" and insert "or a person with developmental disabilities, the"; in line 13 strike "where" and insert "when"; in line 18 strike "a"; and in line 21 strike "or"; and

b. On page 2, line 1, strike "developmentally disabled" and after "individual" insert "or a person with developmental disabilities".

2. Because of the reissuance of volumes 5 and 5A, Revised Statutes of Nebraska, on page 1, lines 2 to 3; page 6, lines 23 to 24; and page 8, lines 22 to 23, strike "Revised Statutes Supplement, 1986" and insert "Reissue Revised Statutes of Nebraska, 1943".

3. On page 1, line 1, strike "mental health"; in line 4 after "records" insert "of persons with developmental disabilities and mentally ill individuals"; in line 5 after "provide" insert "for"; and in line 6 after the semicolon insert "to require the exhaustion of administrative remedies as prescribed;".

4. On page 2, line 16, strike "developmentally disabled" and after "person" insert "with developmental disabilities"; and in line 23 before the semicolon insert ", as amended".

5. On page 3, lines 5 and 12, strike "to" and insert "and"; and in line 24 before the semicolon insert

", as amended".

6. On page 4, line 9, after the last period insert ", as amended.".

7. On page 6, line 7, strike "identifies" and insert "identify".

LEGISLATIVE BILL 693. Placed on Select File as amended.
E & R amendments to LB 693:
AM5245

1. In the Wesely amendment, AM1586, adopted January 11, 1988:

a. On page 2, line 1, after the third comma insert "or"; and in line 18 strike "79-2045.10" and insert "71-2045.10";

b. On page 9, line 5, before "upon" insert "program"; and in line 8 after the comma insert "and";

c. On page 10, line 1, before "training" insert "the";

d. On page 11, line 19, strike the comma;

e. On page 13, line 3, strike "of examiners";

f. On page 14, line 14, strike "examination" and insert "examinations";

g. On page 19, lines 8 and 13, strike "Nebraska";

h. On page 21, line 15, strike "Department of Health" and insert "department"; and

i. On page 29, line 10, strike "fund", show as stricken, and insert "Board of Examiners in Nursing Home Administration Fund".

2. On page 1, line 2, after "sections" insert "71-161.01,"; strike line 3 and insert "to 71-2045.06, 71-2045.09, and 71-5842,"; in line 5 after "define" insert "and redefine"; strike line 9 and insert "certified preceptors, and administrator-in-training programs; to change and eliminate provisions relating to reciprocal licensing; to provide for rules and regulations; to change provisions relating to the Board of Examiners in Nursing Home Administration, renewal of licenses, fees, and expenses; to harmonize provisions;"; and in line 10 after "sections" insert ", and also section 71-2045.07, Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 693A. Placed on Select File as amended.

E & R amendments to LB 693A:
AM5246

1. On page 1, line 3; and page 2, line 6, strike "First" and insert "Second" and strike "1987" and insert "1988".

2. On page 2, line 1, strike "(1)"; and in lines 3 and 10, strike "1987" and insert "1988" and strike "1988" and insert "1989".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Barrett asked unanimous consent to have his name added as co-introducer to LR 7CA. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointment Tuesday, January 19, 1988 1:30 p.m.
Gerald Strobel - Director, State Engineer, Department of Roads

(Signed) Howard Lamb, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1084. Introduced by Abboud, 12th District; Hefner, 19th District.

A BILL FOR AN ACT relating to state and local governmental agencies; to adopt the Nebraska Privatization Act; to provide operative dates; to provide severability; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 377. Title read. Considered.

Standing Committee amendments, AM0397, found in the Journal on page 862 for the Thirty-Fourth Day, First Session, 1987 were considered.

Mr. Wesely 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. Lamb moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Lamb requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 25:

Barrett	Dierks	Johnson, L.	Morehead	Schellpeper
Beyer	Elmer	Lamb	Nelson	Smith
Campbell	Goodrich	Langford	Peterson	Warner
Chizek	Hannibal	Marsh	Pirsch	Wehrbein
Coordsen	Hefner	Miller	Rogers	Wesely

Voting in the negative, 14:

Baack	Chambers	Hartnett	Labedz	Schmit
Bernard-Stevens	Conway	Higgins	Lynch	Weihing
	Hall	Korshoj	Remmers	Withem

Present and not voting, 5:

Abboud	Johnson, R.	McFarland	Moore	Scofield

Excused and not voting, 5:

Ashford	Haberman	Johanns	Johnson, V.	Landis

The Standing Committee amendments were adopted with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Abboud offered the following amendment:
AM1636

(Amendments to Standing Committee Amendments)

1. On page 1, line 20, after "of" insert "(1)", reinstate the stricken matter, and strike "one year"; and in line 21 after "order" insert "for the first revocation made under this section and (2) one year for any subsequent revocation".

2. On page 2, line 4, strike "one-year".

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mr. Hall requested a roll call vote on the Abboud amendment.

Voting in the affirmative, 17:

Abboud	Campbell	Goodrich	Korshoj	Schmit
Baack	Chambers	Hall	Labedz	Weihing
Bernard-Stevens	Chizek	Hartnett	Remmers	Withem
	Conway	Higgins		

Voting in the negative, 25:

Barrett	Hannibal	Lamb	Morehead	Scofield
Beyer	Hefner	Langford	Nelson	Smith
Coordsen	Johanns	Lynch	Peterson	Warner
Dierks	Johnson, L.	Marsh	Rogers	Wehrbein
Elmer	Johnson, R.	Moore	Schellpeper	Wesely

Present and not voting, 2:

McFarland Miller

Excused and not voting, 5:

Ashford	Haberman	Johnson, V.	Landis	Pirsch

The Abboud amendment lost with 17 ayes, 25 nays, 2 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1085. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to gambling; to amend sections 2-219, 14-102, 15-258, 16-226, 17-120, 17-207, 28-1101, 28-1105, and 28-1113, Revised Statutes Supplement, 1986; to adopt the Sports Pool Operators Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1086. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.14, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the sale of tangible personal property in this state; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1087. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend sections 71-5801, 71-5804, 71-5805.01, 71-5810, 71-5813, 71-5821.01, 71-5823, 71-5828 to 71-5831, 71-5834, 71-5835, 71-5836.01, 71-5837, 71-5838, 71-5841, 71-5842 to 71-5844, 71-5845, 71-5848, 71-5858, 71-5859, 71-5863, 71-5865 to 71-5867, 81-651, and 84-1409, Reissue Revised Statutes of Nebraska, 1943, and section 71-1637, Revised Statutes Supplement, 1987; to redefine terms; to provide for the modification of an agreement with the federal government; to require a certificate of need for activities as prescribed; to create exemptions from certificate of need requirements; to change application procedures; to change a fee; to create the Certificate of Need Board; to provide for membership; to provide and transfer duties; to provide legal assistance; to eliminate a public meeting requirement; to eliminate provisions relating to health maintenance organizations; to eliminate the Certificate of Need Review Committee and Certificate of Need Appeal Panel; to harmonize provisions; and to repeal the original sections, and also sections 71-5832.02, 71-5840, 71-5844.01, 71-5846, 71-5847, 71-5850, 71-5860 to 71-5862, and 71-5864, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1088. Introduced by Dierks, 40th District; Warner, 25th District.

A BILL FOR AN ACT relating to animals; to adopt the Animal Protection Act; to provide severability; and to declare an emergency.

MOTION - Rerefer LB 920

Mr. Chambers moved to rerefer LB 920 to Judiciary Committee from Banking, Commerce and Insurance Committee.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 821	Wednesday, January 20, 1988	1:30 p.m.
LB 899	Wednesday, January 20, 1988	1:30 p.m.
LB 954	Wednesday, January 20, 1988	1:30 p.m.
Governor Appointment Christina Godfrey - Parole Board	Wednesday, January 20, 1988	1:30 p.m.
LB 883	Thursday, January 21, 1988	1:30 p.m.
LB 870	Thursday, January 21, 1988	1:30 p.m.
LB 906	Thursday, January 21, 1988	1:30 p.m.
LB 907	Thursday, January 21, 1988	1:30 p.m.
LB 924	Thursday, January 21, 1988	1:30 p.m.
LB 887	Friday, January 22, 1988	1:30 p.m.
LB 888	Friday, January 22, 1988	1:30 p.m.
LB 893	Friday, January 22, 1988	1:30 p.m.
LB 908	Friday, January 22, 1988	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Revenue

LB 1039	Wednesday, January 20, 1988	1:30 p.m.
LB 836	Wednesday, January 20, 1988	1:30 p.m.
LB 1044	Wednesday, January 20, 1988	1:30 p.m.
LB 845	Wednesday, January 20, 1988	1:30 p.m.
LB 1064	Thursday, January 21, 1988	1:30 p.m.
LB 842	Thursday, January 21, 1988	1:30 p.m.
LB 832	Thursday, January 21, 1988	1:30 p.m.
LB 925	Thursday, January 21, 1988	1:30 p.m.

(Signed) Elroy M. Hefner, Vice Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 802 in the Journal. No objections. So ordered.

AM1616

1. Strike section 41.
2. On page 48, line 4, after the third comma insert "and" and strike "and 85-963,".
3. Renumber remaining sections accordingly.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 927 in the Journal. No objections. So ordered.

AM1626

1. Strike sections 2 and 4 to 7.
2. On page 10, strike line 15 and insert "85-937, 85-974,"; and strike beginning with "and" in line 17 through the comma in line 18.
3. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 377. Mr. Chambers offered the following amendment:

Amend Committee amendment

In line 21, strike the period and add "and shall order that such person shall be confined in the county jail for 7 days."

The Chambers amendment lost with 1 aye, 15 nays, 28 present and not voting, and 5 excused and not voting.

Mr. Hall offered the following amendment:

Add new Sec. 3 to amend 39-669.16 insert after "date of such order" in line 13 of the statute,

"Provided that the Director of Motor Vehicles shall dismiss all proceedings against the operator under this section upon receipt of a certified copy of the motor vehicle operators plea of guilty to the misdemeanor charge of driving under the influence of alcohol in the county or district court where the offense occurred which gave rise to the proceedings."

SPEAKER BARRETT PRESIDING

Mr. Hall moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

The Hall amendment was adopted with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Review with 29 ayes, 4 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1089. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-130, 53-138.01, 53-138.02, 53-140, 53-144, 53-146, 53-147, 53-159, 53-166, 53-169.01, 53-185, and 53-188, Reissue Revised Statutes of Nebraska, 1943, sections 53-123, 53-124, 53-131, 53-169, and 53-171, Revised Statutes Supplement, 1986, and section 53-103, Revised Statutes Supplement, 1987; to require operators of brewpubs to be licensed as prescribed; to define and redefine terms; to provide fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1090. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to landfills; to require a report by the Department of Environmental Control of closed landfills; and to provide duties for counties and the Department of Health.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 869	Wednesday, January 20, 1988	1:30 p.m.
LB 930	Wednesday, January 20, 1988	1:30 p.m.
LB 1012	Wednesday, January 20, 1988	1:30 p.m.

LB 1010	Thursday, January 21, 1988	1:30 p.m.
LB 1011	Thursday, January 21, 1988	1:30 p.m.
LB 1013	Thursday, January 21, 1988	1:30 p.m.
LB 839	Friday, January 22, 1988	1:30 p.m.
LB 1014	Friday, January 22, 1988	1:30 p.m.

(Signed) Don Wesely, Chairperson

Urban Affairs

LB 910	Tuesday, January 19, 1988	1:30 p.m.
LB 1016	Tuesday, January 19, 1988	1:30 p.m.
LB 934	Tuesday, January 19, 1988	1:30 p.m.
LB 975	Tuesday, January 19, 1988	1:30 p.m.
LB 976	Tuesday, January 19, 1988	1:30 p.m.

(Signed) Paul D. Hartnett, Chairperson

Banking, Commerce and Insurance

LB 858	Tuesday, January 19, 1988	1:30 p.m.
LB 957	Tuesday, January 19, 1988	1:30 p.m.
LB 913	Tuesday, January 19, 1988	1:30 p.m.
LB 856	Tuesday, January 19, 1988	1:30 p.m.
LB 919	Tuesday, January 19, 1988	1:30 p.m.
LB 943	Tuesday, January 19, 1988	1:30 p.m.
LB 987	Tuesday, January 19, 1988	1:30 p.m.

(Signed) R. W. Remmers, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 305A in the Journal. No objections. So ordered.

AM1615

1. Strike original section 1.

2. On page 2, line 12, strike "1987" and insert "1988" and strike "1988" and insert "1989"; in line 14 strike "1988" and insert "1989" and strike "1989" and insert "1990"; in line 17 strike "First Session, 1987" and insert "Second Session, 1988"; in line 21 strike "1987" and insert "1988" and strike

"1988" and insert "1989"; and in line 22 strike "1988" and insert "1989" and strike "1989" and insert "1990".

3. Renumber remaining section accordingly.

Mr. Moore asked unanimous consent to print the following amendment to LB 428 in the Journal. No objections. So ordered.

AM1638

1. In the Lynch amendment, AM 1558, on page 1, line 17, after "person" insert "under nineteen years of age".

GENERAL FILE

LEGISLATIVE BILL 362. Title read. Considered.

Standing Committee amendments, AM0356, found in the Journal on page 869 for the Thirty-Fourth Day, First Session, 1987 were considered.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Coordsen, Hefner, and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendments were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Chizek withdrew the pending Pappas amendment, AM0238, found in the Journal on page 708, First Session, 1987.

Advanced to E & R for Review with 29 ayes, 0 nays, 11 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 1091. Introduced by Scofield, 49th District; Bernard-Stevens, 42nd District; Remmers, 1st District; Nelson, 35th District; Morehead, 30th District; Weihing, 48th District; Baack, 47th District; Miller, 37th District; McFarland, 28th District; Moore, 24th District; Langford, 36th District; Smith, 33rd District; Hartnett, 45th

District; Lamb, 43rd District; Coordsen, 32nd District; L. Johnson, 15th District; R. Johnson, 34th District; Barrett, 39th District.

A BILL FOR AN ACT relating to railroads; to create funds; to make appropriations; to provide duties for the State Treasurer; to provide for distribution of money in such funds; and to declare an emergency.

LEGISLATIVE BILL 1092. Introduced by Schellpeper, 18th District; Hefner, 19th District; Coordsen, 32nd District; Scofield, 49th District.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend sections 81-1578 and 81-1581, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to require an election as prescribed; to require the reimbursement of certain costs by developers of disposal facilities; to require the commission to locate its office as prescribed; to impose conditions on and prohibit the disposal of certain wastes; to guarantee property values; to impose liability without fault; and to repeal the original sections.

VISITORS

Visitors to the Chamber were Dean and Heloise Bresley from Ord.

ADJOURNMENT

At 4:04 p.m., on a motion by Mr. L. Johnson, the Legislature adjourned until 9:00 a.m., Wednesday, January 13, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 13, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 13, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Captain David Corlis, Salvation Army, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Conway, Hall, Landis, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Dierks asked unanimous consent to have his name added as co-introducer to LB 1092. No objections. So ordered.

MOTION - Rerefer LB 861

Mr. Wesely renewed his pending motion found in the Journal on page 266 to rerefer LB 861 to the Health and Human Services Committee.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on the Wesely motion to rerefer LB 861.

Voting in the affirmative, 25:

Barrett	Goodrich	Lamb	Morehead	Scofield
Bernard-Stevens	Hannibal	Landis	Nelson	Smith
Beyer	Hefner	Langford	Peterson	Warner
Coordsen	Johanns	Lynch	Rogers	Wehrbein
Dierks	Johnson, L.	Miller	Schellpeper	Wesely

Voting in the negative, 16:

Ashford	Hall	Korshoj	Moore	Schmit
Baack	Higgins	Labedz	Pirsch	Weihing
Chambers	Johnson, R.	McFarland	Remmers	Withem
Elmer				

Present and not voting, 5:

Abboud	Campbell	Chizek	Haberman	Hartnett

Excused and not voting, 3:

Conway	Johnson, V.	Marsh

The Wesely motion to rerefer prevailed with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Rerefer LB 928

Mr. Wesely renewed his pending motion found in the Journal on page 266 to rerefer LB 928 to the Health and Human Services Committee.

The Wesely motion to rerefer lost with 5 ayes, 27 nays, 14 present and not voting, and 3 excused and not voting.

MOTION - Rerefer LB 920

Mr. Chambers withdrew his pending motion found in the Journal on page 291 to rerefer LB 920 to Judiciary from Banking, Commerce and Insurance Committee.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Rogers asked unanimous consent to have his name withdrawn as co-introducer to LB 792. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

AM1614
(Amendments to Standing Committee amendments, AM0720)
1. Strike amendment 1 and renumber the remaining amendment accordingly.

NOTICE OF COMMITTEE HEARINGS
General Affairs

LB 978	Monday, January 25, 1988	1:30 p.m.
LB 941	Monday, January 25, 1988	1:30 p.m.
LB 902	Monday, January 25, 1988	1:30 p.m.
LB 949	Monday, January 25, 1988	1:30 p.m.

(Signed) Patricia S. Morehead, Chairperson

Natural Resources

Governor Appointment Dayle Williamson - Natural Resources Commission	Wednesday, January 20, 1988	1:30 p.m.
LB 814	Wednesday, January 20, 1988	1:30 p.m.
LB 831	Wednesday, January 20, 1988	1:30 p.m.
LB 953	Wednesday, January 20, 1988	1:30 p.m.

(Signed) Loran Schmit, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 920.

LB	Committee
920	Judiciary

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

MOTION - Recommit LB 123 to Committee

Mr. McFarland moved to recommit LB 123 to the Judiciary Committee for further consideration.

Messrs. Withem and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Ashford 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. McFarland moved for a call of the house. The motion prevailed with 15 ayes, 11 nays, and 23 not voting.

The McFarland motion lost with 9 ayes, 28 nays, 7 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.

SELECT FILE

LEGISLATIVE BILL 123. Mr. Chambers withdrew his pending amendment (1), found in the Journal on page 1216, First Session, 1987.

Mr. Chambers renewed his pending amendment (2), found in the Journal on page 1216, First Session, 1987.

The Chambers amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Chambers withdrew his pending amendment (3), found in the Journal on page 1216, First Session, 1987.

Mr. Chambers renewed his pending amendment (4), found in the Journal on page 1217, First Session, 1987.

The Chambers amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his pending amendments (5), (6), (7), and (8) found in the Journal on page 1217, and (9) and (10) found in the Journal on page 1218, First Session, 1987.

PRESIDENT NICHOL PRESIDING

Mr. Miller 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 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Abboud	Conway	Johanns	Lynch	Scofield
Ashford	Dierks	Johnson, L.	Moore	Smith
Baack	Elmer	Korshoj	Nelson	Warner
Barrett	Goodrich	Labedz	Pirsch	Wehrbein
Beyer	Haberman	Lamb	Rogers	Weihing
Campbell	Hannibal	Langford	Schellpeper	Withem
Chizek	Hefner			

Voting in the negative, 7:

Bernard-Stevens	Chambers	Coordsen	Hall	Landis
McFarland	Remmers			

Present and not voting, 5:

Hartnett	Higgins	Johnson, R.	Morehead	Wesely

Excused and not voting, 5:

Johnson, V.	Marsh	Miller	Peterson	Schmit

Advanced to E & R for Engrossment with 32 ayes, 7 nays, 5 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Rogers asked unanimous consent to have his name added as co-introducer to LB 972. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 972. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 1091. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1093. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-407, Revised Statutes Supplement, 1987; to change a provision relating to limited school permits; and to repeal the original section.

LEGISLATIVE BILL 1094. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to property tax; to amend section 77-1301, Revised Statutes Supplement, 1987; to provide for the valuation and assessment of severed mineral interests; to provide a duty for the Tax Commissioner; and to repeal the original section.

LEGISLATIVE BILL 1095. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to revenue and taxation; to provide in-lieu-of-tax payments by persons renting certain property of political subdivisions as prescribed.

LEGISLATIVE BILL 1096. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to wages; to amend section 48-1203, Revised Statutes Supplement, 1987; to change the minimum wage rate for certain student employees; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1097. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-411, Revised Statutes Supplement, 1986, and section 60-407, Revised Statutes Supplement, 1987; to change provisions relating to eyesight requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1098. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to initiatives and referendums; to amend sections 32-702, 32-703, 32-704, 32-706, and 32-713, Reissue Revised Statutes of Nebraska, 1943, and section 32-705, Revised Statutes Supplement, 1986; to change provisions relating to signature requirements; to provide additional time for returns of petitions to the Secretary of State; to provide service of a copy of a determination; to change bonding and residence requirements for circulators; to require registration of circulators; to change provisions relating to actions against the Secretary of State; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1099. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to labor; to amend section 48-1202, Reissue Revised Statutes of Nebraska, 1943; to exclude certain persons from the definition of employee as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1100. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Bernard-Stevens, 42nd District; Beyer, 3rd District; Goodrich, 20th District; Lynch, 13th District; Morehead, 30th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 28-1437, 71-121, 71-131, 71-133, 71-139.01, 71-150, 71-155, 71-161.03 to 71-161.05, 71-161.07, 71-163, 71-175, 71-179, 71-185, 71-193.04, 71-193.25, 71-193.31, 71-1,132.08, 71-1,132.20, 71-1,132.29, 71-1,142, 71-1,147.03 to 71-1,147.08, 71-1,147.10, 71-1,147.12, 71-1,153 to 71-1,155, 71-1,157, 71-1,160 to 71-1,163, 71-1,180, 71-1,186, 71-1,190, 71-1,194, 71-1,195.01, 71-1,195.03 to 71-1,195.09, 71-1,211, 71-1,212, 71-1,223 to 71-1,225, 71-1,232, 71-1,233, 71-1,262, 71-1,277, 71-1331, 71-1332, 71-1345, 71-1724, 71-2512, 71-2803, 71-2803.01, 71-2804, 71-2807, 71-2814, 71-3710 to 71-3712, 71-4702, 71-4704, 71-4710 to 71-4712, 71-4714 to 71-4716, 71-4718, 71-4719, 71-5407, 71-6105, 71-6111, 71-6114, and 81-651, Reissue Revised Statutes of Nebraska, 1943, and sections 71-101, 71-110, 71-114, 71-116, 71-147, 71-149, 71-195, 71-198, 71-1,132.07, 71-1,135.02, 71-1,136.03, 71-1,147.09, 71-1,158, 71-1,178, 71-1,183, 71-1,195.02, 71-1330, 71-1333, 71-4701, 71-4706, 71-4707, 71-4708, and 71-6115, Revised Statutes Supplement, 1987; to define and redefine terms; to change and eliminate provisions relating to issuance, denial, renewal, reinstatement, and lapse of, disciplinary actions regarding qualifications, requirements, examinations, and fees for, and unlawful acts, violations, and penalties concerning temporary and permanent licenses, certificates, permits, and registrations; to provide, change, and eliminate powers and duties; to change provisions relating to certain boards; to change provisions relating to inspections, supervision, and disclosure of information; to eliminate duties of the Revisor of Statutes relating to substitution of terms; to eliminate provisions relating to permits and certificates to practice veterinary medicine and surgery issued prior to July 24, 1927; to eliminate provisions relating to a published list of professionals; to eliminate the Prophylactic Control Act; to harmonize provisions; to repeal the original sections, and also sections 71-101.02, 71-134 to 71-134.03, 71-155.01, 71-155.02, 71-161.08, 71-180.01 to 71-180.05, 71-192, 71-1,151, 71-1,164, 71-1,165, 71-1,167, 71-1,177, 71-1,179, 71-1,182, 71-1,197.01, 71-1,215 to 71-1,217, 71-1104 to 71-1106, 71-1108 to 71-1110, 71-1112, 71-1114, 71-1115, 71-1334, 71-1335, 71-2806, 71-2813, 71-2818, and 71-4713, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1107 and 71-1111, Revised Statutes Supplement, 1987.

LEGISLATIVE BILL 1101. Introduced by Nelson, 35th District; Baack, 47th District; Weihing, 48th District; Bernard-Stevens, 42nd District; Smith, 33rd District; Schellpeper, 18th District; Lynch, 13th District.

A BILL FOR AN ACT relating to adult education; to state intent; and to provide funding for programs and services providing basic literacy skills.

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 1051	Monday, January 25, 1988	1:30 p.m.
LB 840	Monday, January 25, 1988	1:30 p.m.
LB 1065	Monday, January 25, 1988	1:30 p.m.

(Signed) Howard Lamb, Chairperson

SELECT FILE

LEGISLATIVE BILL 428. E & R amendments, AM5238, found in the Journal on page 222 for the Third Day were adopted.

Mr. Moore renewed his pending amendment, AM1638, found in the Journal on page 295.

Mr. Warner and Mrs. Johanns asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Hannibal	Labedz	Morehead	Schellpeper
Chambers	Higgins	Lamb	Peterson	Schmit
Coordsen	Johnson, L.	Landis	Pirsch	Scofield
Elmer	Johnson, R.	Langford	Remmers	Smith
Hall	Korshoj	Moore		

Voting in the negative, 18:

Ashford	Bernard-Stevens	Chizek	Hefner	Wehrbein
Baack	Beyer	Dierks	Lynch	Weihing
Barrett	Campbell	Goodrich	Nelson	Wesely
		Hartnett	Rogers	Withem

Present and not voting, 3:

Conway Haberman McFarland

Excused and not voting, 5:

Johanns Johnson, V. Marsh Miller Warner

The Moore amendment lost with 23 ayes, 18 nays, 3 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Elmer and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 816	Wednesday, January 20, 1988	1:30 p.m.
LB 828	Wednesday, January 20, 1988	1:30 p.m.
LB 838	Wednesday, January 20, 1988	1:30 p.m.
LR 258CA	Wednesday, January 20, 1988	1:30 p.m.
LB 961	Thursday, January 21, 1988	1:30 p.m.
LB 878	Thursday, January 21, 1988	1:30 p.m.
LB 974	Thursday, January 21, 1988	1:30 p.m.
LB 853	Friday, January 22, 1988	1:30 p.m.
LB 854	Friday, January 22, 1988	1:30 p.m.
LB 962	Friday, January 22, 1988	1:30 p.m.

Governor Appointment Wednesday, January 27, 1988 1:30 p.m.
Stanley Heng - Adjutant General, Military Department

(Signed) Dennis Baack, Chairperson

SELECT FILE

LEGISLATIVE BILL 428. Considered.

Mr. Landis 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. Moore requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud	Beyer	Hartnett	McFarland	Warner
Ashford	Campbell	Hefner	Morehead	Wehrbein
Baack	Chizek	Higgins	Nelson	Weihing
Barrett	Dierks	Labedz	Rogers	Wesely
Bernard-Stevens	Goodrich	Langford	Smith	Withem
	Haberman	Lynch		

Voting in the negative, 16:

Conway	Johnson, L.	Lamb	Peterson	Schellpeper
Coordsen	Johnson, R.	Landis	Pirsch	Schmit
Hall	Korshoj	Moore	Remmers	Scofield
Hannibal				

Present and not voting, 2:

Chambers Elmer

Excused and not voting, 4:

Johanns Johnson, V. Marsh Miller

Advanced to E & R for Engrossment with 27 ayes, 16 nays, 2 present and not voting, and 4 excused and not voting.

COMMITTEE ON COMMITTEES REPORT

The Committee on Committees members announced the appointment of Senator Lorraine Langford to the Intergovernmental Cooperation Committee to replace Senator Pappas.

VISITORS

Visitors to the Chamber were 50 fourth and fifth grade students and teachers from Kahoa School, Lincoln.

RECESS

At 11:53 a.m., on a motion by Mr. Bernard-Stevens, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. V. Johnson, Schellpeper, Withem, and Mrs. Marsh who were excused; and Messrs. Ashford, Bernard-Stevens, Haberman, Hannibal, Lamb, Landis, McFarland, Peterson, Schmit, Mesdames Higgins, Smith, and Ms. Scofield who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1067 through 1092, Governor appointments, and Secretary of State appointment.

LB	Committee
1067	Agriculture
1068	Education
1069	Business and Labor
1070	Health and Human Services
1071	Judiciary
1072	Revenue
1073	Education
1074	Appropriations
1075	Banking, Commerce and Insurance
1076	Education
1077	Education
1078	Natural Resources
1079	Government, Military and Veterans Affairs
1080	Government, Military and Veterans Affairs
1081	Education
1082	Government, Military and Veterans Affairs
1083	Banking, Commerce and Insurance
1084	Government, Military and Veterans Affairs
1085	General Affairs

1086 Revenue
1087 Health and Human Services
1088 Government, Military and Veterans Affairs
1089 General Affairs
1090 Natural Resources
1091 Appropriations
1092 Natural Resources

Nebraska Retirement Systems
Miguel A. Gomez - Public Employees Retirement Board
Ronald W. Saalfeld - Public Employees Retirement Board

Transportation
Robert C. Kayton - State Highway Commission

Government, Military and Veterans Affairs
Secretary of State Appointment
Robert Sim - Nebraska Accountability and Disclosure Commission

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

BILL ON FIRST READING

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

LEGISLATIVE BILL 1102. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-578, Revised Statutes Supplement, 1986; to change a provision relating to maximum liability under any underinsured motorist coverage as prescribed; to provide an operative date; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 488. E & R amendments, AM5239, found in the Journal on page 247 for the Fourth Day were adopted.

Mr. Goodrich withdrew the pending Schmit amendment found in the Journal on page 186.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 582. E & R amendments, AM5241, found in the Journal on page 256 for the Fourth Day were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 788. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 789. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 790. 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 791. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 792. 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 793. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 794. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 795. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 796. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 797. 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 798. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 799. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 800. Title read. Considered.

Mrs. Labedz offered the following amendment:
AM1646

1. On page 4, strike beginning with the underscored comma in line 18 through the period in line 24 and show the old matter as stricken.

The Labedz amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 801. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 802. Title read. Considered.

Mrs. Labedz renewed her pending amendment, AM1616, found in the Journal on page 292.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

The Labedz amendment was adopted with 28 ayes, 0 nays, 10 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 803. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 804. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 805. 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 806. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 807. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 808. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 809. 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 810. 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 811. 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 812. 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 813. 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 927. Title read. Considered.

Mrs. Labedz renewed her pending amendment, AM1626, found in the Journal on page 292.

The Labedz amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Secretary of State Appointment Wed., Jan. 20, 1988 1:30 p.m.
Robert Sim - Accountability and Disclosure Commission

(Signed) Dennis Baack, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1103. Introduced by Morehead, 30th District.

A BILL FOR AN ACT relating to schools; to amend section 79-321.03, Reissue Revised Statutes of Nebraska, 1943; to include health services in the Program of Student Personnel Services; and to repeal the original section.

LEGISLATIVE BILL 1104. Introduced by Morehead, 30th District.

A BILL FOR AN ACT relating to school nurses; to amend section 79-1233, Reissue Revised Statutes of Nebraska, 1943; to provide eligibility requirements; and to repeal the original section.

LEGISLATIVE BILL 1105. Introduced by Miller, 37th District.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3504, 77-3508, 77-3511, and 77-3514, Revised Statutes Supplement, 1987; to change a definition as prescribed; to change the income levels used to compute the exemption; to change provisions relating to claiming the exemption; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1106. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to State Personnel System; to amend section 81-1316, Reissue Revised Statutes of Nebraska, 1943; to exempt personnel of the Policy Research Office from the system; and to repeal the original section.

LEGISLATIVE BILL 1107. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to pharmacy services; to prohibit employers providing pharmacy services or products from restricting the choice of such services or products; to provide a penalty; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 1108. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to children; to amend sections 42-369 and 43-512.09, Reissue Revised Statutes of Nebraska, 1943, sections 43-2,129, 43-512.02, 43-512.08, 43-512.10, 43-1406, 43-1411, 43-1716, and 43-1726, Revised Statutes Supplement, 1986, and sections 43-512, 43-512.03, and 60-403, Revised Statutes Supplement, 1987; to

authorize medical support as prescribed; to provide a presumption concerning distribution of child support; to provide for assignments of certain support payments; to define and redefine terms; to authorize the Department of Social Services to pay a fee; to require monthly reports; to change a garnishment provision; to change provisions relating to proceedings for paternity and collection of child support; to change a provision relating to notices to withhold income; to authorize the release of certain information; to harmonize provisions; to repeal the original sections; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 476. Title read. Considered.

Passed over.

LEGISLATIVE BILL 316. Title read. Considered.

Standing Committee amendment, AM0436, found in the Journal on page 883 for the Thirty-Fifth Day, First Session, 1987, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Wesely offered the following amendment:
page 3 line 17, before the words "assault" add the words "sexual"

The Wesely amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 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 301. Title read. Considered.

Standing Committee amendments, AM0422, found in the Journal on page 895 for the Thirty-Sixth Day, First Session, 1987, were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Ashford 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 - Add Co-Introducers

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 1071. No objections. So ordered.

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 1070. No objections. So ordered.

Mr. Peterson asked unanimous consent to have his name added as co-introducer to LB 1030. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Messrs. Dierks and Wesely asked unanimous consent to print the following amendment to LB 301 in the Journal. No objections. So ordered.

on page 2, line 3 after "adoption" put a period and strike "but would" and also lines 4 and 5 on page 2.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1109. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Conway, 17th District; Korshoj, 16th District; Nelson, 35th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-902, Reissue Revised Statutes of Nebraska, 1943; to require the reporting of certain burn injuries as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1110. Introduced by Hartnett, 45th District; Landis, 46th District; Wesely, 26th District; Lynch, 13th District; Goodrich, 20th District; Abboud, 12th District.

A BILL FOR AN ACT relating to corporations; to adopt the Shareholders' Protection Act; to repeal the Corporate Takeover Act; to provide severability; to repeal sections 21-2418 to 21-2430, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 170. Title read. Considered.

Standing Committee amendments, AM0412, found in the Journal on page 897 for the Thirty-Sixth Day, First Session, 1987, were considered.

Mrs. Smith and Mr. R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Peterson asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendments were adopted with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Abboud offered the following amendment:
page 3 line 4 strike "class IV felony" insert "class I misdemeanor"
line 14 strike "class IV felony" insert "class I misdemeanor"

Messrs. Chizek, Warner, Haberman, Hartnett, and Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

The Abboud amendment lost with 2 ayes, 12 nays, 21 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 260CA. Introduced by Chambers, 11th District.

A Resolution to propose an 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 NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XV of the Constitution of Nebraska by adding a new section 19 thereto, which is hereby proposed by the Legislature:

CXV-19 "All offices created by this Constitution shall become vacant by the death of the incumbent, removal from the state, resignation, conviction of a felony, impeachment, or becoming of unsound mind.".

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 vacancies upon the death of the incumbent, removal from the state, resignation, conviction of a felony, impeachment, or becoming of unsound mind.

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 Reference Committee.

LEGISLATIVE RESOLUTION 261. Introduced by Landis, 46th District.

WHEREAS, the Nebraska Legislature in its 1976 session passed a resolution requesting a Constitutional Convention limited to the adoption of a balanced budget amendment; and

WHEREAS, legal opinions suggest that there is no limitation when a Constitutional Convention is convened and any changes the delegates desire may be adopted; and

WHEREAS, there has only been one Constitutional Convention in our country's history, and the Constitution then in effect was discarded and our present Constitution written although the purpose

of such convention was to amend the Constitution not eliminate it; and

WHEREAS, the restriction we have placed on the Constitutional Convention can be ignored.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That we hereby withdraw our request for a Constitutional Convention.

2. That the State of Nebraska hereby requests that its name be removed from the present document calling for a Constitutional Convention.

Referred to the Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1111. Introduced by Morehead, 30th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Arts Council as prescribed.

LEGISLATIVE BILL 1112. Introduced by Morehead, 30th District.

A BILL FOR AN ACT relating to fine arts museums; to amend section 82-403, Reissue Revised Statutes of Nebraska, 1943, and section 77-2704, Revised Statutes Supplement, 1987; to provide a sales and use tax exemption; to define a term; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1113. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to the Petroleum Products and Hazardous Substances Storage and Handling Act; to amend sections 81-15,117 and 81-15,119 to 81-15,124, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to eliminate a permit requirement; to require registration of tanks as prescribed; to eliminate provisions relating to recovery plans; to provide for remedial actions and recovery of the costs of such actions; to provide powers to the Department of Environmental Control; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1114. Introduced by Remmers, 1st District.

A BILL FOR AN ACT relating to insurance; to amend section 44-3904, Revised Statutes Supplement, 1986; to change a provision relating to continuing education requirements; and to repeal the original section.

LEGISLATIVE BILL 301A. Introduced by Conway, 17th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 301, Ninetieth Legislature, Second Session, 1988.

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 827. No objections. So ordered.

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 960. No objections. So ordered.

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LB 1101. No objections. So ordered.

VISITORS

Visitors to the Chamber were 7 members and sponsor from the Nebraska Health Care Association.

ADJOURNMENT

At 4:16 p.m., on a motion by Mr. Remmers, the Legislature adjourned until 9:00 a.m., Thursday, January 14, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 14, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 14, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Carl Burkhardt, Associate Regional Minister, Christian Churches of Nebraska, Beaver Crossing, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. V. Johnson, Rogers, Mesdames Campbell, and Marsh who were excused; and Messrs. Ashford, Conway, R. Johnson, Korshoj, Lamb, Schellpeper, Warner, Mesdames Labedz, Pirsch, and Johanns who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

REPORT

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of December, 1987 from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1987 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Loup	
J. Marvin Weems, P.C.	910.00
Leininger, Grant, Rogers, & Maul	2,773.70
Tri-Basin	
Catherland Reclamation District	2,000.00
Anderson, Strasburger, Klein, etc.	2,769.32

NOTICE OF COMMITTEE HEARING
Education

Governor Appointment Carol S. Hendrickson	Friday, January, 22, 1988	1:00 p.m.

(Signed) Ron Withem, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 262. Introduced by Hefner, 19th District.

WHEREAS, the families of missing United States military personnel and civilians still suffer grief and uncertainty due to lack of an adequate accounting of those still missing; and

WHEREAS, the President has established a high national policy priority to resolve the status of Americans still prisoner, missing, and unaccounted for in Indochina; and

WHEREAS, the quick, accurate, and honest identification of the remains of all military personnel missing in action from the Viet Nam war is essential for ending the ongoing anguish and uncertainty of relatives of members of the United States military listed as missing in action; and

WHEREAS, efforts to obtain the immediate release of any American who may still be prisoner in Indochina and the fullest possible accounting of those still missing should remain a high national priority.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages the State Building Administrator to fly the POW-MIA flag at the Capitol Building and the governing board of each county to fly the POW-MIA flag at each county courthouse in the state until the POW-MIA issue is resolved.

2. That the Clerk of the Legislature mail a copy of this resolution to the State Building Administrator and the governing board of each county.

Laid over.

LEGISLATIVE RESOLUTION 259. Read. Considered.

LR 259 was adopted with 25 ayes, 1 nay, and 23 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 181. Title read. Considered.

Standing Committee amendment, AM0383, found in the Journal on page 897 for the Thirty-Sixth Day, First Session, 1987, was considered.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment lost with 7 ayes, 11 nays, 22 present and not voting, and 9 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Abboud	Bernard-Stevens	Conway	Elmer	Hefner
Baack	Beyer	Coordsen	Haberman	Higgins
Barrett		Dierks	Hartnett	Johanns

Johnson, L.	Lynch	Nelson	Schmit	Warner
Korshoj	Miller	Remmers	Scofield	Wehrbein
Lamb	Moore	Schellpeper	Smith	Weihing
Langford				

Voting in the negative, 2:

Ashford	Chambers

Present and not voting, 10:

Chizek	Hall	Landis	Morehead	Wesely
Goodrich	Hannibal	McFarland	Peterson	Withem

Excused and not voting, 7:

Campbell	Johnson, V.	Marsh	Pirsch	Rogers
Johnson, R.	Labedz			

Advanced to E & R for Review with 30 ayes, 2 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 466 in the Journal. No objections. So ordered.

AM1654

1. Strike original sections 2 to 5 and all amendments thereto.

2. On page 6, line 10, strike "sections" and insert "section"; in line 11 strike "68-126, and 77-1601,"; and in line 12 strike "are" and insert "is".

3. Renumber the remaining section.

Mr. Haberman asked unanimous consent to print the following amendment to LB 170 in the Journal. No objections. So ordered.

AM0628
1. On page 2, line 16, after "in" insert "confined".

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 993	Monday, January 25, 1988	1:30 p.m.
LB 994	Monday, January 25, 1988	1:30 p.m.
LB 995	Monday, January 25, 1988	1:30 p.m.
LB 996	Monday, January 25, 1988	1:30 p.m.
LB 997	Monday, January 25, 1988	1:30 p.m.
LB 998	Monday, January 25, 1988	1:30 p.m.
LB 815	Monday, January 25, 1988	1:30 p.m.
LB 933	Monday, January 25, 1988	1:30 p.m.
LB 877	Tuesday, January 26, 1988	1:30 p.m.
LB 984	Tuesday, January 26, 1988	1:30 p.m.
LB 1021	Tuesday, January 26, 1988	1:30 p.m.
LB 1025	Tuesday, January 26, 1988	1:30 p.m.
LB 1083	Tuesday, January 26, 1988	1:30 p.m.

(Signed) R. W. Remmers, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1115. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202.03, Reissue Revised Statutes of Nebraska, 1943; to change the time period of exempt status for cemetery property as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1116. Introduced by Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Chizek, 31st District; McFarland, 28th District; Nelson, 35th District.

A BILL FOR AN ACT relating to education; to amend section 79-328, Reissue Revised Statutes of Nebraska, 1943; to state intent;

to provide for the assessment of students as prescribed; to provide for a standardized achievement test; to create a committee; to require reports; to provide powers and duties for the State Board of Education and the State Department of Education; and to repeal the original section.

LEGISLATIVE BILL 1117. Introduced by Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Chizek, 31st District; Dierks, 40th District; McFarland, 28th District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to state intent; to establish the Education Technology Center; and to provide duties.

LEGISLATIVE BILL 1118. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to make an appropriation to the Department of Correctional Services as prescribed.

LEGISLATIVE BILL 1119. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend sections 48-810 and 48-816, Revised Statutes Supplement, 1987; to change a provision relating to commission jurisdiction; to provide a power to make temporary readjustments as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1120. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to teachers; to amend section 79-1247.05, Reissue Revised Statutes of Nebraska, 1943; to require competency in human relations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1121. Introduced by McFarland, 28th District; Korshoj, 16th District; Dierks, 40th District; Higgins, 9th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.02, Revised Statutes Supplement, 1987; to change factors for computing income tax rates; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1122. Introduced by McFarland, 28th District; Baack, 47th District; Korshoj, 16th District; Higgins, 9th District; Schellpeper, 18th District; Scofield, 49th District.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4105, Revised Statutes Supplement, 1987; to limit the receipt of incentives, refunds, or tax credits as prescribed; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 647. Title read. Considered.

PRESIDENT NICHOL PRESIDING

Messrs. Schmit and Wehrbein asked unanimous consent to be excused until they return. 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. MOREHEAD PRESIDING

Mrs. Nelson moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mrs. Nelson requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Conway	Haberman	Korshoj	Miller
Baack	Coordsen	Hefner	Labedz	Schellpeper
Bernard-Stevens	Dierks	Higgins	Landis	Smith
Beyer	Elmer	Johanns	Lynch	Wesely
Chizek	Goodrich	Johnson, R.	McFarland	Withem

Voting in the negative, 8:

Abboud	Langford	Remmers	Warner	Weihing
Hartnett	Moore	Scofield		

Present and not voting, 9:

Barrett	Hall	Johnson, L.	Morehead	Schmit
Chambers	Hannibal	Lamb	Nelson	

Excused and not voting, 7:

Campbell	Marsh	Pirsch	Rogers	Wehrbein
Johnson, V.	Peterson			

Advanced to E & R for Review with 25 ayes, 8 nays, 9 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 647A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 3 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 213. Title read. Considered.

Passed over.

LEGISLATIVE BILL 249. Title read. Considered.

Standing Committee amendment, AM0475, found in the Journal on page 943 for the Thirty-Eighth Day, First Session, 1987, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Remmers 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.

LEGISLATIVE BILL 666. Title read. Considered.

Standing Committee amendments, AM0474, found in the Journal on page 944 for the Thirty-Eighth Day, First Session, 1987, were considered.

Mr. Baack offered the following amendment to the Standing Committee amendments:

On page 1 strike beginning with "in" in line 4 through the semicolon in line 10; in line 10 strike "in" and insert "In"; and in line 11 strike beginning with "and" through "(e)" in line 12.

The Baack amendment was adopted with 14 ayes, 0 nays, 27 present and not voting, and 8 excused and not voting.

Mr. Baack moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Baack requested a roll call vote on the Standing Committee amendments, as amended.

Voting in the affirmative, 19:

Baack	Conway	Hall	Johnson, R.	Nelson
Bernard-Stevens	Dierks	Hartnett	Labedz	Pirsch
Chizek	Elmer	Hefner	Lynch	Weihing
	Haberman	Johanns	Moore	Withem

Voting in the negative, 15:

Abboud	Hannibal	Lamb	Miller	Smith
Barrett	Higgins	Landis	Morehead	Warner
Coordsen	Johnson, L.	Langford	Scofield	Wesely

Present and not voting, 6:

Ashford	Goodrich	Korshoj	McFarland	Schellpeper
Beyer				

Absent and not voting, 2:

Chambers Schmit

Excused and not voting, 7:

Campbell	Marsh	Remmers	Rogers	Wehrbein
Johnson, V.	Peterson			

The Standing Committee amendments, as amended, lost with 19 ayes, 15 nays, 6 present and not voting, 2 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Ashford and Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud offered the following amendment:
AM1666

1. On page 2, line 4, strike ", after consultation", show as stricken, and insert "may consult"; in line 5 strike the comma and insert "and"; in lines 18 and 19 strike the new matter and reinstate the stricken matter; in line 19 after the reinstated "felony" insert "and have the"; and in line 25 strike "conviction of a felony, (b)" and strike "(c)" and insert "(b)".

2. On page 3, line 1, strike "(d)" and insert "(c)" and strike "(e)" and insert "(d)"; in line 2 after "mandated" insert "certification"; and in line 4 strike "(f)" and insert "(e)".

The Abboud amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

PRESIDENT NICHOL PRESIDING

LEGISLATIVE BILL 372. Title read. Considered.

Standing Committee amendments, AM0530, found in the Journal on page 995 for the Fortieth Day, First Session, 1987, were considered.

Mr. Conway offered the following amendment to the Standing Committee amendments:
AM1555

(Amendments to Standing Committee amendments, AM0530)

1. Strike amendments 1 and 3 and insert the following new amendments:

"1. On page 2, strike beginning with the

comma in line 24 through 'biological' in line 25 and insert 'and, if available, on the biological mother and'.

2. On page 3, line 1, after 'medical' insert 'history or'; in line 3 after 'history' insert 'or histories'; in line 5 after the period insert 'This subsection shall only apply to petitions filed on or after September 1, 1988.'; strike line 24 and insert 'biological mother and father, if available,'; and in line 25 strike 'father,'.

3. On page 4, strike beginning with the second comma in line 2 through 'father' in line 3 and insert 'and father, if available,'; in line 6 after 'form' insert '. Subdivisions (b) and (c) of this subsection shall only apply to decrees of adoption entered on or after September 1, 1988'.

7. On page 16, line 14, strike '1987' and insert '1988'.".

2. On page 1, line 5, strike "line 23," and insert "line 13, after '43-123' insert 'and section 22 of this act'; and in line 23".

3. On page 2, strike line 7 and insert "Sec. 22. Medical".

4. On page 1, line 21; and page 2, line 2, strike "1987" and insert "1988".

5. Renumber the remaining amendments accordingly.

The Conway amendment was adopted with 14 ayes, 0 nays, 27 present and 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.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 372A. 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.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

LB 817	Thursday, January 21, 1988	1:30 p.m.
LB 937	Thursday, January 21, 1988	1:30 p.m.

(Signed) Howard Lamb, Vice Chairperson

Education

LB 890	Monday, January 25, 1988	1:30 p.m.
LB 823	Monday, January 25, 1988	1:30 p.m.
LB 904	Monday, January 25, 1988	1:30 p.m.
LB 992	Monday, January 25, 1988	1:30 p.m.
LB 1073	Monday, January 25, 1988	1:30 p.m.

(Signed) Ron Withem, Chairperson

Revenue

LB 972	Thursday, January 21, 1988	1:30 p.m.

(Signed) Elroy M. Hefner, Vice Chairperson

Nebraska Retirement Systems

Governor Appointments Tuesday, January 19, 1988 12:00 noon
Public Employees Retirement Board
James D. Murphy
Barbara Coats Grabowski
Ron Saalfeld
Miguel Gomez

(Signed) Rex Haberman, Chairperson

Business and Labor

LB 864	Monday, January 25, 1988	1:30 p.m.
LB 923	Monday, January 25, 1988	1:30 p.m.
LB 1033	Monday, January 25, 1988	1:30 p.m.
LB 892	Monday, January 25, 1988	1:30 p.m.

LB 863	Monday, January 25, 1988	1:30 p.m.
LB 1035	Monday, January 25, 1988	1:30 p.m.

(Signed) Timothy Hall, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1123. Introduced by Ashford, 6th District; Lynch, 13th District.

A BILL FOR AN ACT relating to aid to dependent children; to state intent; to define a term; to provide for a program of education and training for certain applicants and recipients; to provide powers and duties; to provide requirements for participation in such program; to provide for a report; and to provide priority status for services as prescribed.

LEGISLATIVE BILL 1124. Introduced by Wesely, 26th District; Johanns, 27th District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2650.07, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to tax levies for capital construction; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendments to LB 90 in the Journal. No objections. So ordered.

(1)

AM1602

(Amendments to Standing Committee amendments, AM0159)

1. On page 1, line 2, before the period insert "; and in line 20 after the period insert 'The defense attorney shall have an opportunity to evaluate the child and rebut the showing of compelling need produced by the prosecuting attorney. The defense attorney may have the child examined independently by a psychiatrist.' and strike 'ordinarily' ".

(2)

AM1603

(Amendments to Standing Committee Amendments, AM0159)

1. On page 1, line 2, before the period insert "; after line 23 insert '(a) Appoint a guardian ad litem for a child victim of or child witness to any sexual offense punishable as a felony;'; and in line 24 strike '(a)' and insert '(b)' ".

2. Insert the following new amendment:

"2. On page 4, line 3, strike '(b)' and insert '(c)'; and in line 6 strike '(c)' and insert '(d)'.".

3. Renumber the remaining amendments accordingly.

(3)

AM1605

(Amendments to Standing Committee amendments, AM0159)

1. On page 2, line 22, after the semicolon insert "after line 24, insert:

'(10) No videotape deposition or testimony allowed by this section shall be used for broadcast by the public news media.';"; and in line 23 strike "(10)" and insert "(11)".

2. On page 3, line 1, strike "(11)" and insert "(12)".

(4)

AM1604

(Amendments to Standing Committee amendments, AM0159)

1. Insert the following new amendment:

"2. On page 4, line 19, after the period insert 'No reporters shall be allowed to be present during the videotape deposition.'; and strike lines 20 through 24 and insert:

'(3) Any contact made with the child by any law enforcement personnel, the prosecuting attorney, or anyone in the attempt to develop further the child's memory regarding the sexual offense shall be videotaped and shall be admissible at trial. If the videotaping of all contacts is not complied with, then none of the videotapes allowed by this section or any testimony by the child shall be admissible at the trial.'.".

2. Renumber the remaining amendments accordingly.

Mr. Hefner asked unanimous consent to print the following amendment to LB 466 in the Journal. No objections. So ordered.

AM1647

1. On page 3, lines 10 and 15, strike "1988" and "1989"; and strike beginning with "a" in line 24 through line 25.

2. On page 4, strike lines 1 through 6.

3. Strike original sections 3 and 4 and insert the following new section:

"Sec. 3. The county treasurer shall, on or before February 1, May 1, August 1, and November 1 of each year, certify to the Tax Commissioner the amount of funds expended by the county for the immediately preceding calendar quarter under sections 1 and 2 of this act. Reimbursement shall be made to each county according to the certification submitted by the county treasurer within thirty days after receipt of such certification.".

4. On page 6, line 9, strike "1988" and insert "1989"; in line 10 strike the comma and insert "and"; and in line 11 strike "and 77-1601,".

5. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Coordsen asked unanimous consent to have his name added as co-introducer to LB 1088. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LB 170. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1093 through 1122 and legislative resolutions 260 and 261.

LB	Committee
1093	Transportation
1094	Revenue
1095	Revenue

1096	Business and Labor
1097	Transportation
1098	Government, Military and Veterans Affairs
1099	Business and Labor
1100	Health and Human Services
1101	Appropriations
1102	Banking, Commerce and Insurance
1103	Education
1104	Education
1105	Revenue
1106	Government, Military and Veterans Affairs
1107	Judiciary
1108	Judiciary
1109	Judiciary
1110	Banking, Commerce and Insurance
1111	Appropriations
1112	Revenue
1113	Natural Resources
1114	Banking, Commerce and Insurance
1115	Revenue
1116	Education
1117	Education
1118	Appropriations
1119	Business and Labor
1120	Education
1121	Revenue
1122	Revenue

LR	**Committee**
260	Judiciary
261	Government, Military and Veterans Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

BILL ON FIRST READING

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

LEGISLATIVE BILL 1125. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend section 60-1404, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the employment of an attorney as prescribed; and to repeal the original section.

ANNOUNCEMENT

Mrs. Labedz announced that new bill requests received by the Revisor of Statutes Office by 12:00 noon, Tuesday, will be guaranteed to be ready for introduction on the 10th legislative day.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1061	Friday, January 22, 1988	1:30 p.m.
LB 1062	Friday, January 22, 1988	1:30 p.m.
LB 1063	Friday, January 22, 1988	1:30 p.m.

Governor Appointments Friday, January 22, 1988 1:30 p.m.
Environmental Control Council
Hugh Williams
Robert L. Petersen
Fred E. Hlava
Dan Drain
Dennis Grams - Department of Environmental Control

(Signed) Loran Schmit, 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 13, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Bergmann, Marlin - Lincoln, DeCamp Legal Services, P.C.
Comfort, Calvin M. - Omaha, U.S. Postal Inspection Service
DeCamp Legal Services, P.C.:

DeCamp, John W. - Lincoln, NE Coalition for Women; Norwest Bank - Nebraska, N.A. (Withdrawn 87/12/31)
Erickson & Sederstrom:
Thone, Charles - Lincoln, United AG Cooperative, Inc.
McCullough, Mardy - Grant, Gladiators Association, Inc.; Kelley, Kelley & Leehan (Withdrawn (88/01/01)
Miller, Cy - Lincoln, Nebraska Senior Citizens Council
Pappas, James E. - Lincoln, Golden Years Health Care Services, Inc.; Kelley, Kelley & Leehan
Radcliffe, Walter/Tews & Radcliffe:
Radcliffe, Walter H. - Lincoln (Withdrawn 88/01/13), Can Manufacturers Institute (Withdrawn 88/01/13); Nebraskans for Alternative Capital Financing
Rednour, Hubert E. - Lincoln, Disabled American Veterans - Department of Nebraska
Ryan, James E. - Lincoln, National Assn. of Independent Insurers; Nebraska Optometric Association (Withdrawn 87/12/31)

VISITORS

Visitors to the Chamber were Mayor Bill Harris of Lincoln; 23 tenth grade students and teacher from Wahoo-Neumann, Wahoo; Mr. and Mrs. Gordon Soderberg from Fremont; Bill Anderson and Dave Higgins from Omaha; and Mr. and Mrs. Rick Martin from San Diego, California.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Tuesday, January 19, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 19, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 19, 1988

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Dr. Doug Williamson, Trinity Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Chambers, Mesdames Higgins, and Pirsch who was excused; and Messrs. Abboud, Ashford, Chizek, Conway, Goodrich, Haberman, Hall, Hartnett, Landis, Schmit, Warner, Withem, Mesdames Labedz, Morehead, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 338, strike lines 12 through 16 and insert:
Radcliffe, Walter H. - Lincoln, (Withdrawn 88/01/13); Can Manufacturers Institute (Withdrawn 88/01/13); Nebraskans for Alternative Capital Financing
Rednour, Hubert E. - Lincoln, Disabled American Veterans - Department of Nebraska
The Journal for the Seventh Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 352. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM5247.)

LEGISLATIVE BILL 305. Placed on Select File as amended.
E & R amendments to LB 305:
AM5248

1. In lieu of the Wehrbein amendment adopted on January 11, 1988, found on page 259 of the Journal:

a. Strike original section 12 and renumber the remaining sections accordingly; and

b. On page 45, line 23, strike "77-1238,".

2. Because of the amendment of sections 60-302, 60-315, 60-318, 60-344, 77-1240, 77-1240.01, 77-1240.03, 77-1241.09, and 77-2703 by Laws 1987, LB 224, sections 15, 18, 19, 21, and 24 to 28, respectively, and the enactment of Laws 1987, LB 224, section 16:

a. Strike original sections 7 to 11 and 13 to 17 and renumber the remaining sections accordingly;

b. On page 45, line 23, after the second comma insert "and" and strike "60-315, 60-318, 60-344,"; strike line 24; and in line 25 strike "77-2703,"; and

c. On page 46, line 1, strike the first comma and insert "and" and strike "and 60-302,".

3. Because of the amendment of section 60-111 by Laws 1987, LB 41, section 1:

a. Strike original section 3 and insert the following new section:

"Sec. 3. That section 60-111, Revised Statutes Supplement, 1987, be amended to read as follows:

60-111. (1) In the event of the transfer of ownership of a motor vehicle by operation of law as upon inheritance, devise, or bequest, order in bankruptcy, insolvency, replevin, or execution sale, (2) whenever the engine of a motor vehicle is replaced by another engine, (3) whenever a motor vehicle is sold to satisfy storage or repair charges, or (4) whenever repossession is had upon default in performance of the terms of a chattel mortgage, trust receipt, conditional sales contract, or other like agreement, the clerk of the county in which the last certificate of title to such motor vehicle was issued <u>or the Department of Motor</u>

Vehicles if the last certificate of title was issued by the department, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof ~~to the county clerk~~ of ownership and right of possession to such motor vehicle, and upon payment of the fee prescribed in section 60-115 and the presentation of an application for certificate of title, may issue to the applicant a certificate of title thereto. If the prior certificate of title issued for such motor vehicle provided for joint ownership with right of survivorship, a new certificate of title shall be issued to a subsequent purchaser upon the assignment of the prior certificate of title by the surviving owner and presentation of satisfactory proof of death of the deceased owner. Only an affidavit by the person or agent of the person to whom possession of such motor vehicle has so passed, setting forth facts entitling him or her to such possession and ownership, together with a copy of the journal entry, court order, or instrument upon which such claim of possession and ownership is founded shall be considered satisfactory proof of ownership and right of possession, except that if ~~.~~ ~~If~~ the applicant cannot produce such proof of ownership, he or she may ~~apply directly to the Department of Motor Vehicles and~~ submit to the department such evidence as he or she may have, and the department may thereupon, if it finds the evidence sufficient, issue the certificate of title or authorize the county clerk to issue a certificate of title, as the case may be. If from the records in the office of the county clerk or the department there appear to be any liens on such motor vehicle, such certificate of title shall contain a statement of such liens unless the application is accompanied by proper evidence of their satisfaction or extinction. If the county in which the last certificate of title to such motor vehicle was issued cannot be determined, the application for title shall be processed by the clerk of the county where the court entering the journal entry or order is located or the county where the instrument was executed upon which such claim of possession and ownership is founded, as the case may be.".

b. On page 45, line 23, strike "60-111,"; and

in line 25 strike "and"; and

c. On page 46, line 2, after the second comma insert "and section 60-111, Revised Statutes Supplement, 1987,".

4. On page 1, strike lines 2 to 12 and insert "60-110, 60-112, and 60-113, Reissue Revised Statutes of Nebraska, 1943, sections 60-106 and 60-115, Revised Statutes Supplement, 1986, and section 60-111, Revised Statutes Supplement, 1987; to change provisions relating to application for certificates of title and notations of liens on such certificates as prescribed; to provide powers and duties for the Department of Motor Vehicles as prescribed; to harmonize provisions; to eliminate".

5. On page 2, line 2, strike "and" and insert a comma and after "77-1241.04" insert a comma.

6. On page 3, line 13, after "nonresident" insert an underscored comma.

7. On page 4, line 1, strike "titles" and insert "certificates of title"; in line 8 strike the comma and show as stricken; and in lines 12 and 14 strike "this act", show as stricken, and insert "such sections".

8. On page 9, line 1, before "instrument" insert "such".

9. On page 15, line 24, after "thereupon" insert an underscored comma.

10. On page 17, line 4, strike the comma and after "or" insert an underscored comma.

11. On page 45, line 21, strike "1988" and insert "1989".

12. On page 46, line 2, strike the second "and" and insert a comma; and in line 3 before "and" insert a comma.

LEGISLATIVE BILL 305A. Placed on Select File as amended.
E & R amendments to LB 305A:
AM5250

1. On page 1, line 3, strike "First" and insert "Second" and strike "1987" and insert "1988".

2. On page 2, lines 3, 12, and 21, strike "1987" and insert "1988" and strike "1988" and insert "1989"; in line 5 strike "First" and insert "Second"; in line 6 strike "1987" and insert "1988"; in lines 14 and 22 strike "1988" and insert "1989" and strike "1989" and

insert "1990"; and in line 17 strike "First" and insert "Second" and strike "1987" and insert "1988".

LEGISLATIVE BILL 117. Placed on Select File as amended.
E & R amendments to LB 117:
AM5249

1. In the Standing Committee amendments, AM0250, adopted January 11, 1988, on page 1, line 2, strike "employment" and insert "the first comma"; and in line 7 strike "or".

2. On page 1, strike beginning with "require" in line 6 through "from" in line 7 and insert "provide immunity from liability for"; and in line 8 strike "to harmonize provisions;".

3. On page 9, line 19, strike the first "or" and insert an underscored comma and after "distribute" insert an underscored comma.

LEGISLATIVE BILL 191. Placed on Select File as amended.
E & R amendments to LB 191:
AM5251

1. In the Landis et al amendment, AM0719, adopted January 12, 1988, on page 1, line 11, strike "party" and insert "person".

2. On page 1, strike beginning with "liability" in line 1 through line 5 and insert "civil procedure; to define a term; to provide for a rebuttable presumption about certain statements from injured persons as prescribed.".

LEGISLATIVE BILL 111. Placed on Select File as amended.
E & R amendment to LB 111:
AM5256

1. On page 1, line 4, after "by" insert "election officers and".

LEGISLATIVE BILL 478. Placed on Select File as amended.
E & R amendments to LB 478:
AM5257

1. On page 1, line 3, strike "require" and insert "provide for".

2. On page 4, line 15, after "petitioner" insert an underscored comma.

LEGISLATIVE BILL 713. Placed on Select File as amended.
E & R amendments to LB 713:
AM5255

1. In lieu of the Lynch amendment adopted January 12, 1988, found on page 274 of the Journal, on page 2, line 9, strike the period; reinstate the stricken matter beginning with "nor" in line 9 through the first "from" in line 10; reinstate the stricken matter beginning with the first "or" in line 10 through "corporation" in line 11 and after the reinstated matter insert ", except that a"; and in line 12 eliminate the paragraphing and strike "A".

2. In the Barrett amendment adopted on January 12, 1988, found on page 273 of the Journal, in line 4 after "is" insert "recognized as"; and in line 5 strike "or".

3. On page 1, lines 1 and 8, strike "sections" and insert "section"; in line 2 strike "and 44-371"; and strike beginning with "to" in line 5 through the semicolon in line 7.

4. On page 2, line 17; and page 3, line 5, strike the comma.

LEGISLATIVE BILL 395. Placed on Select File as amended.
E & R amendment to LB 395:
AM5253

1. On page 2, line 7, strike the comma and show as stricken; in line 10 strike "herein" and show as stricken and after "contained" insert "in the act"; in line 12 strike "such" and insert "the"; in line 13 after "and" insert "his or her"; in line 17 strike the comma and show as stricken; and in line 18 after "and" insert "his or her".

LEGISLATIVE BILL 550. Placed on Select File as amended.
E & R amendments to LB 550:
AM5258

1. On page 1, line 2, after the second comma insert "and" and strike "and 53-160,"; and strike beginning with "provide" in line 3 through the semicolon in line 6 and insert "change provisions relating to retail licenses;".

2. On page 5, lines 11 and 13, strike the first comma and show as stricken; in line 21 strike

"hereunder", show as stricken, and insert "under the Nebraska Liquor Control Act"; and in line 22 strike "this", show as stricken, and insert "the".

3. On page 6, lines 3, 4, and 12, strike the comma and showle 0 stricken; in lines 3 and 24 strike "this", show as stricken, and insert "the"; in lines 6 and 14 strike "hereinafter" and show as stricken; in lines 6 and 15 after "provided" insert "in this section"; in line 11 strike the second comma and show as stricken; in line 15 strike "and" and show as stricken, strike the underscored comma, and strike the second comma and show as stricken; and in line 16 strike the semicolon, show as stricken, and insert an underscored comma.

4. On page 7, line 4, strike the comma and show as stricken and strike "hereinafter" and show as stricken.

LEGISLATIVE BILL 377. Placed on Select File as amended. (E & R amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM5259.)

LEGISLATIVE BILL 362. Placed on Select File as amended.
E & R amendments to LB 362:
AM5254

1. In the Standing Committee amendments, AM0356, adopted January 12, 1988, on page 1, line 7, insert paragraphing before "In"; and in line 8 strike "must" and insert "is required to".

2. On page 3, line 18, strike "if which" and insert "which if".

Correctly Engrossed

The following bills were correctly engrossed: 123, 428, 488, and 582.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 123

The following changes, required to be reported for publication in the Journal, have been made:
ER0221

1. In lieu of the Chambers amendment adopted January 13, 1988, found on page 1217 of the Journal, First Session, 1987, in the Standing Committee amendments, AM0181, the following new section has been inserted and the remaining section renumbered accordingly:

"Sec. 4. Any person who sponsors, organizes, or causes a nonprofit sports program to operate shall give the parent or guardian of any minor who participates in such a program a written statement in the following form:

> Coaches, managers, umpires, referees, their assistants, or anyone who prepares any playing field shall NOT be liable for the injury or death of any participant in (name of activity or program) which results from the negligence of any of the above-listed individuals.

The provisions of section 3 of this act shall not apply to any individual unless a copy of such statement signed by the parent or guardian is retained by the person who sponsors, organizes, or causes the affected sports program to operate.".

2. On page 1, line 2, "and" has been struck; and in line 3 "; and to provide for a statement" has been inserted before the period.

(Signed) Mary E. Sommermeyer
E & R Attorney

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 1988 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Niobrara	
John Peebles	570.30
Cline, Williams, Johnson, Wright, Oldfather	58.13
Steier & Kreikemeier	328.96
Lower Platte South	
Crosby, Guenzel, Davis, Kessner & Kuester	20,018.08

REPORTS

Received audit reports from the Auditor of Public Accounts for the following:
Nebraska Education Telecommunications Commission, Department of Personnel, Nebraska State Board of Agriculture, Motor Vehicle Industry Licensing Board, Commission of Industrial Relations, Nebraska State Patrol, Worker's Compensation Court, and Board of Educational Lands and Funds.

RESOLUTION

LEGISLATIVE RESOLUTION 262. Read. Considered.

LR 262 was adopted with 23 ayes, 0 nays, and 26 not voting.

GENERAL FILE

LEGISLATIVE BILL 594. Title read. Considered.

Standing Committee amendment, AM0368, found in the Journal on page 1019 for the Forty-First Day, First Session, 1987, was adopted with 26 ayes, 3 nays, 9 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 27 ayes, 2 nays, 12 present and not voting, and 8 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 983	Wednesday, January 27, 1988	1:30 p.m.
LB 1048	Wednesday, January 27, 1988	1:30 p.m.
LB 876	Wednesday, January 27, 1988	1:30 p.m.
LB 988	Thursday, January 28, 1988	1:30 p.m.
LB 1049	Thursday, January 28, 1988	1:30 p.m.
LB 1054	Thursday, January 28, 1988	1:30 p.m.
LB 955	Friday, January 29, 1988	1:30 p.m.
LB 989	Friday, January 29, 1988	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1126. Introduced by Barrett, 39th District.

A BILL FOR AN ACT relating to marriage; to amend sections 33-110, 42-104, and 42-121, Revised Statutes Supplement, 1986; to provide a fee as prescribed; to provide certain requirements for the obtaining and use of marriage licenses as prescribed; to eliminate certain restrictions relating to marriage licenses; and to repeal the original sections.

LEGISLATIVE BILL 1127. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Campbell, 22nd District; Rogers, 41st District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311, Reissue Revised Statutes of Nebraska, 1943; to increase a fee as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1128. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Beyer, 3rd District; Campbell, 22nd District; Rogers, 41st District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to motor vehicle dealers; to amend sections 60-1401.02, 60-1411.03, 60-1411.04, 60-1430, and 60-1440, Reissue Revised Statutes of Nebraska, 1943, and section 60-1420, Revised Statutes Supplement, 1987; to redefine terms; to change an exemption; to change provisions relating to advertising; to change provisions relating to franchises; to require certain payments upon termination, cancellation, or noncontinuation of a franchise; to provide for the applicability of provisions during arbitration of disputes relating to a franchise; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1129. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to corporations; to amend section 21-2035, Revised Statutes Supplement, 1987; to change provisions relating to the liability of corporate directors; and to repeal the original section.

LEGISLATIVE BILL 1130. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to wages; to amend section 48-1229, Reissue Revised Statutes of Nebraska, 1943; to include political subdivisions in the Nebraska Wage Payment and Collection Act; and to repeal the original section.

LEGISLATIVE BILL 1131. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to agriculture; to amend section 2-1213, Revised Statutes Supplement, 1987; to redefine the term Nebraska-bred horse; and to repeal the original section

PRESIDENT NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 705. Title read. Considered.

Standing Committee amendment, AM0555, found in the Journal on page 1020 for the Forty-First Day, First Session, 1987, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 537. Title read. Considered.

Standing Committee amendments, AM0546, found in the Journal on page 1032 for the Forty-First Day, First Session, 1987, were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 429. Title read. Considered.

Standing Committee amendments, AM0507, found in the Journal on page 1051 for the Forty-Second Day, First Session, 1987, were

adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Hannibal offered the following amendment:
Page 2 line 9 delete the word instance and insert the word project

The Hannibal amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Abboud offered the following amendment:
Page 2 line 10 strike "sixty", insert "fifty".
Page 2 line 14 strike "sixty", insert "fifty".

The Abboud amendment lost with 6 ayes, 16 nays, 21 present and not voting, and 6 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.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in executive session at 1:30 p.m. in Room 1003 on the following dates: Tuesday, January 19, 1988; Wednesday, January 20, 1988; Thursday, January 21, 1988; and Friday, January 22, 1988.

NOTICE OF COMMITTEE HEARINGS
Appropriations

Tuesday, January 26, 1988, Room 1003 1:30 p.m.

Agencies with requested budget adjustments/Governor initiatives:

Agency 14 - Public Service Commission
Agency 19 - Department of Banking
Agency 21 - State Fire Marshal
Agency 22 - Dept. of Institutions
Agency 31 - Military Department

Agencies, no specific requests:

Agency 30 - State Electrical Board
Agency 35 - Liquor Control Commission
Agency 36 - Nebraska Racing Commission

Agency 40 - Motor Vehicle Dealers Licensing Board
Agency 41 - Real Estate Commission
Agency 43 - State Athletic Commissioner
Agency 45 - Board of Barber Examiners
Agency 58 - Board of Engineers and Architects
Agency 62 - Board of Examiners Land Surveyors
Agency 63 - Board of Public Accountancy
Agency 66 - Board of Examiners Abstractors
Agency 73 - Board of Landscape Architects
Agency 74 - Power Review Board

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 180 in the Journal. No objections. So ordered.

AM1648

1. On page 4, line 6; and page 5, line 8, after "device" insert "for advertising purposes".

2. On page 4, line 20; page 8, line 21; and page 9, lines 2 and 12, strike "section 5" and insert "sections 5 and 8".

3. On page 4, line 21, after "(1)" insert "Advertising purposes shall mean all representations disseminated automatically on an automatic dialing-announcing device intended or likely to induce the purchase or use of any product or concept or to solicit a contribution to any group, organization, or committee;

(2)"; and in line 25 strike "(2)" and insert "(3)".

4. Insert the following new section:

"Sec. 8. Any person using an automatic dialing-announcing device other than for advertising purposes shall register the device and the use with the Public Service Commission.".

5. Renumber the remaining section accordingly.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1132. Introduced by Marsh, 29th District.

A BILL FOR AN ACT relating to technical community colleges; to eliminate provisions relating to tax levies for capital construction; and to repeal section 79-2650.07, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1133. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to counties; to amend section 23-135, Reissue Revised Statutes of Nebraska, 1943; to authorize a county board to approve payments prior to the receipt of property and payments at auctions; and to repeal the original section.

LEGISLATIVE BILL 1134. Introduced by Hartnett, 45th District; Withem, 14th District; Lynch, 13th District.

A BILL FOR AN ACT relating to municipal planning; to amend section 18-1303, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to membership on the planning commission; and to repeal the original section.

LEGISLATIVE BILL 1135. Introduced by Hartnett, 45th District; Lynch, 13th District; Withem, 14th District.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-901, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the jurisdiction of certain ordinances as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1136. Introduced by Hartnett, 45th District; Withem, 14th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1446, 49-1446.01, 49-1455, and 49-1469, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the commingling and expenditure of certain separate segregated political funds and campaign statements regarding such funds as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1137. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to continuing education; to amend section 76-544, Reissue Revised Statutes of Nebraska, 1943, and section 44-3903, Revised Statutes Supplement, 1986; to exempt attorneys from continuing education requirements for persons who sell title insurance and abstracters as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1138. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1987; to redefine the term nonreturnable containers; and to repeal the original section.

LEGISLATIVE BILL 1139. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to schools; to require high school students to take the Scholastic Aptitude Test; to provide record-keeping duties as prescribed; to require rankings; to permit certain uses for test results and rankings; to provide rules and regulations; and to declare an emergency.

LEGISLATIVE BILL 1140. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to schools; to amend section 79-445, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the payment of education and transportation costs for certain pupils; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Transportation

Governor Appointments Tuesday, January 26, 1988 1:30 p.m.
Duane W. Acklie - State Highway Commission
David O. Coolidge - Board of Public Roads Classification and Standards
Denny Miller - Motor Vehicle Licensing Board
Terry Malcom - State Highway Commission
Robert C. Kayton - State Highway Commission

LB 1032	Tuesday, January 26, 1988	1:30 p.m.
LB 884	Tuesday, January 26, 1988	1:30 p.m.
LB 1006	Tuesday, January 26, 1988	1:30 p.m.
LB 1008	Tuesday, January 26, 1988	1:30 p.m.

(Signed) Howard Lamb, Chairperson

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE BILL 103. Placed on General File as amended.
Standing Committee amendments to LB 103:
AM1665

1. Insert the following new section:

"Sec. 32. That section 81-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-201. The Department of Agriculture shall have power: (1) ~~to~~ To encourage and promote, in every practicable manner, the interest of agriculture; (2) to promote methods of conducting the industry of agriculture with a view to increasing the production and facilitating the distribution thereof at the least cost; (3) to collect and publish statistics relating to the production and marketing of agricultural products, so far as such statistical information may be of value to the agricultural and allied interests of the state, and to cooperate with the federal government in the matter of collecting and publishing such statistical information; (4) to publish and distribute the Nebraska Weed Book and the Nebraska Insect Book and supplemental inserts thereto, for sale and distribution to the public for an amount not to exceed the cost of publication and distribution. All money collected from the sale of the publications shall be paid to the State Treasurer and deposited in the Weed and Insect Books Cash Fund; (5) ~~to inquire into the causes of contagious, infectious, and communicable diseases among domestic animals and the means for the prevention and cure of the same; (6)~~ to execute and enforce all laws relating to matters within its jurisdiction and to adopt and promulgate necessary rules and regulations for the administration and enforcement of such laws; and ~~(7)~~ (6) to employ special investigators who shall be appointed deputy state sheriffs by the Governor and who shall, upon qualifying for such office, possess all the powers which attach to such office, except that their powers and duties shall

be restricted to the enforcement of the laws of the State of Nebraska within the jurisdiction of the Department of Agriculture.".

2. On page 2, line 23, strike "seven" and insert "eight"; and in line 25 strike "seven" and insert "three".

3. On page 3, line 1, strike "one expires each year" and insert "the terms of three members expire in each of the first two years after their appointment and the terms of the remaining two members expire at the end of a full term"; in line 10 strike "1987" and insert "1988"; in line 15 after the second semicolon insert "one sheep producer;"; and in line 21 after the second semicolon insert "the Nebraska Sheep Council;".

4. On page 4, line 10; and page 5, line 16, strike "1988" and insert "1989".

5. On page 5, line 4, before the period insert "and employ special investigators who shall be appointed deputy state sheriffs by the Governor and who shall, upon qualifying for such office, possess all the powers which attach to such office, except that their powers and duties shall be restricted to the enforcement of the laws of the State of Nebraska within the jurisdiction of the board"; and in line 11 strike "84-306.01 to 84-306.05" and insert "81-1174 to 81-1177".

6. On page 9, line 6, after "facilities" insert ", including laboratory equipment,"; and in line 14 after the second comma insert "8," and after the last comma insert "19,".

7. On page 19, line 15, strike "31" and insert "32" and strike "33" and insert "34"; in line 16 strike "1987" and insert "1988"; and in line 20 strike "and" and after the fourth comma insert "and 81-201,".

8. Renumber the remaining sections accordingly.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 273. Title read. Considered.

Standing Committee amendments, AM0547, found in the Journal on page 1051 for the Forty-Second Day, First Session, 1987, were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 273A. 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 625. Title read. Considered.

Standing Committee amendment, AM0561, found in the Journal on page 1055 for the Forty-Second Day, First Session, 1987, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 630. Title read. Considered.

Standing Committee amendment, AM0562, found in the Journal on page 1055 for the Forty-Second Day, First Session, 1987, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 551. Title read. Considered.

Standing Committee amendment, AM0571, found in the Journal on page 1087 for the Forty-Third Day, First Session, 1987, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 788. Placed on Select File.
LEGISLATIVE BILL 789. Placed on Select File.

LEGISLATIVE BILL 790. Placed on Select File as amended.
E & R amendments to LB 790:
AM5263

1. Insert the following new sections:

"Sec. 5. That section 33-126.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-126.02. In matters of guardianship and conservatorship, the county court shall be entitled to receive the following fees: Upon the filing of a petition for the appointment of a guardian, fifteen dollars; upon the filing of a petition for the appointment of a conservator, and when ~~where~~ the gross value of the conservatorship estate does not exceed twenty thousand dollars, fifteen dollars, and when ~~;~~ ~~where~~ the gross value thereof exceeds twenty thousand dollars, seventy-five dollars; for the appointment of a successor guardian or conservator, fifteen dollars; for the appointment of a temporary guardian, fifteen dollars; for proceedings for a protective order in the absence of a guardianship or conservatorship, fifteen dollars; and for closing guardianship or conservatorship estate as provided in sections 30-2614 and 30-2659, fifteen dollars. The ~~above~~ fees relating to conservatorships shall be based on the gross value of the conservatorship estate~~,~~ including both real and personal property. The gross value shall mean the actual value of the estate less liens~~,~~ and shall be determined as of the time of applying for a conservator. If the gross value of such estate, originally being twenty thousand dollars or less, should thereafter exceed the value of twenty thousand dollars while the conservatorship is pending, the county court shall be entitled to an additional fee of sixty dollars. While such guardianship or conservatorship is pending in ~~said~~ such court and reports are filed~~,~~ or other matters relating thereto come before the court therein, the court shall receive for filing and recording each report, five dollars. ~~Where~~ When the appointment of a

custodian as provided for in ~~sections 38-1001 to 38-1010~~ the Nebraska Uniform Gifts to Minors Act is made, the county court shall be entitled to receive a fee of thirty dollars ~~where~~ when the assets of the custodian do not exceed twenty thousand dollars, and a fee of seventy-five dollars ~~where~~ when the assets of the custodian exceed twenty thousand dollars.

Sec. 31. That section 76-1494, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1494. A landlord may adopt rules or regulations, however described, concerning the tenant's use and occupancy of the mobile home park. The rules and regulations shall be enforceable against the tenant only if they are written and if:

(1) Their purpose is to promote the convenience, safety, or welfare of the tenants in the mobile home park, preserve the landlord's property from abuse, make a fair distribution of services and facilities held out for the tenants generally, or facilitate reasonable mobile home park management;

(2) They are reasonably related to the purpose for which adopted;

(3) They apply to all tenants in the mobile home park in a fair manner;

(4) They are sufficiently explicit in prohibition, direction, or limitation of the tenant's conduct to fairly inform him or her of what must or must not be done to comply;

(5) They are not for the purpose of evading the obligations of the landlord; and

(6) The prospective tenant is given a copy of any existing rules and regulations before entering into the rental agreement.

Notice of all additions, changes, deletions, or amendments to the rules and regulations shall be given to all mobile home tenants sixty days' before they become effective. The landlord may change, add, delete, or amend the rules and regulations without sixty days notice only with the written consent of at least one adult resident from a minimum of sixty percent of the households in the mobile home park. Adult resident shall mean a resident who has achieved the age of majority as defined in section ~~38-101~~ 6 of this act.

Any rule or condition of occupancy which does not conform to the requirements of the Mobile Home Landlord and Tenant Act shall be unenforceable. A rule or regulation adopted after the tenant enters into the rental agreement shall be enforceable against the tenant only if it does not conflict with or contradict the tenant's rental agreement. Nothing in this section shall prohibit a landlord from adopting rules and regulations applicable to new tenants only and not to persons who are tenants prior to the effective date of the rules and regulations.

Sec. 35. That section 83-383, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-383. (1) An application for admission shall be made in writing by one of the following persons:

(a) If the person applying for admission has a court-appointed guardian, the application shall be made by the guardian; and

(b) If the person applying for admission does not have a court-appointed guardian and has not reached the age of majority, as established by section ~~38-101~~ 6 of this act, as such section may from time to time be amended, the application shall be made by both parents if they are living together or by the parent having custody of such person if both parents are not then living or are not then living together.

(2) The county court of the county of residence of any person with mental retardation or the county court of the county in which a state residential facility is located shall have authority to appoint a guardian for any person with mental retardation upon the petition of the husband, wife, parent, person standing in loco parentis to such person, a county attorney, or any official of the Department of Public Institutions authorized by the director. If the guardianship proceedings are initiated by an official of the Department of Public Institutions, the costs thereof may be taxed to and paid by the Department of Public Institutions if the person with mental retardation is without means to pay the costs. The Department of Public Institutions shall pay such costs upon presentation of a proper claim by the judge of the

county court in which the proceedings were initiated. The costs of such proceedings shall include court costs, attorneys' fees, sheriffs' fees, psychiatric fees, and other necessary expenses of the guardianship.

Sec. 36. That section 83-388, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-388. No person admitted to a residential facility upon the application of his or her parent or parents shall be detained in a residential facility after attaining the age of majority as established by section ~~38-101~~ 6 of this act, as such section may from time to time be amended, unless a guardian for such person makes an application for continued residence for such person in the facility under section 83-383 or such person is committed as provided by law for involuntary commitments.".

2. On page 1, line 2, after the third comma insert "33-126.02," and strike "38-114,"; in line 5 after the third comma insert "76-1494,"; in line 6 strike "and" and after the first comma insert "83-383, and 83-388,".

3. On page 2, line 4, after the semicolon insert "to harmonize provisions;".

4. On page 12, line 15, strike "executor", show as stricken, and insert "personal representative"; and in line 24 strike beginning with "6" through "12" and insert "7 to 10, 12, and 13".

5. On page 15, line 21, after the last period insert an underscored semicolon.

6. On page 16, line 23; and page 17, line 1, after "(1)" insert "of this section".

7. On page 20, line 7, after "prices" insert an underscored comma.

8. On page 21, line 13; and page 25, line 11, strike the comma and show as stricken.

9. On page 24, lines 14 and 17, strike "12" and insert "13"; and in line 16 strike "6 to 9" and insert "7 to 10".

10. On page 25, line 21; page 26, lines 15 and 25; and page 27, lines 5, 10, and 17, after "(1)" insert "of this section".

11. On page 29, line 18, strike "6 to 15" and insert "7 to 16".

12. On page 30, line 22, strike "17" and insert "18" and strike "executor", show as stricken, and insert "personal representative".

13. On page 31, lines 1 and 9, strike "7" and insert "8"; in line 12 strike "executor", show as stricken, and insert "personal representative"; and in line 19 strike "16 to 19" and insert "17 to 20".

14. On page 33, line 25, after the semicolon insert "and".

15. On page 46, line 17, after "Women" insert an underscored comma.

16. On page 47, line 2, after the second comma insert "33-126.02," and strike "38-114,"; in line 4 strike "and" and insert "76-1494,"; and in line 5 strike "and" and after the first comma insert "83-383, and 83-388,".

17. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 791. Placed on Select File.

LEGISLATIVE BILL 792. Placed on Select File as amended.
E & R amendment to LB 792:
AM5260

1. On page 9, line 9, strike "was", show as stricken, and insert "is".

LEGISLATIVE BILL 793. Placed on Select File.
LEGISLATIVE BILL 794. Placed on Select File.

LEGISLATIVE BILL 795. Placed on Select File as amended.
E & R amendments to LB 795:
AM5264

1. On page 2, line 5, after the semicolon insert "to provide duties for the Revisor of Statutes;".

2. On page 3, line 19, strike the new matter and insert "sections 8-1103 and 8-1105 to".

3. On page 4, lines 14 to 15, strike "provisions of sections 8-1001 to 8-1015," show as stricken, and insert "Nebraska Sale of Checks Act".

4. On page 12, line 4, strike "Chapter 45, article 3", show as stricken, and insert "the Nebraska Installment Sales Act".

5. Insert the following new section:

"Sec. 7. Wherever the phrase sections 8-1101 to 8-1124 appears in sections 8-1101, 8-1103, 8-1105, 8-1108, 8-1112 to 8-1114, 8-1116 to 8-1118, 8-1120 to 8-1122, and 70-734, the Revisor of Statutes shall substitute the phrase the Securities Act of Nebraska and in section 8-1123, when the section number 8-1124 appears, the Revisor of Statutes shall substitute the section number 8-1123.".

6. Renumber the remaining section accordingly.

LEGISLATIVE BILL 796. Placed on Select File.
LEGISLATIVE BILL 797. Placed on Select File.
LEGISLATIVE BILL 798. Placed on Select File.
LEGISLATIVE BILL 799. Placed on Select File.

LEGISLATIVE BILL 800. Placed on Select File as amended.
E & R amendments to LB 800:
AM5261

1. On page 2, line 19, strike the second "or" and show as stricken.

2. On page 3, line 3, strike the comma and show as stricken.

3. On page 4, line 2, strike the comma; and in line 18 after "sections" insert an underscored period.

4. On page 5, line 20; and page 6, line 5, strike the comma and show as stricken.

LEGISLATIVE BILL 801. Placed on Select File as amended.
E & R amendments to LB 801:
AM5262

1. On page 2, line 25, strike "a", show as stricken, and insert "any".

2. On page 3, line 1, strike "any of" and show as stricken.

(Signed) Scott Moore, Chairperson

NOTICE OF COMMITTEE HEARINGS
Agriculture

LB 1067	Tuesday, January 26, 1988	1:30 p.m.
LB 963	Tuesday, January 26, 1988	1:30 p.m.

LB 911 Tuesday, February 2, 1988 1:30 p.m.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 195. Indefinitely postponed.
LEGISLATIVE BILL 534. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1141. Introduced by Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Dierks, 40th District; V. Johnson, 8th District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to amend section 79-328, Reissue Revised Statutes of Nebraska, 1943; to require achievement testings as prescribed; to provide for use of the results of such testing; and to repeal the original section.

LEGISLATIVE BILL 1142. Introduced by Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Chizek, 31st District; Dierks, 40th District; V. Johnson, 8th District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to amend sections 10-209, 79-312.01, 79-401, 79-488.05, 79-801, 79-901, 79-1001, 79-1032, 79-1033, 79-1040, 79-2203, 79-2305, and 79-2307, Reissue Revised Statutes of Nebraska, 1943, and section 32-223, Revised Statutes Supplement, 1986; to provide a uniform method for designating school districts; to change a provision relating to the sale of school buses; to eliminate the position of physician to the Nebraska School for the Deaf; to harmonize provisions; and to repeal the original sections, and also section 79-1905, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1143. Introduced by Building Maintenance Committee: Higgins, 9th District, Chairperson; L. Johnson, 15th

District; Korshoj, 16th District; Campbell, 22nd District; Warner, 25th District.

A BILL FOR AN ACT relating to state buildings; to define a term; to create the Vacant Building Committee; to provide powers and duties; to provide for the sale, lease, disposal, and maintenance of vacant state-owned buildings; to create a fund; and to provide exceptions as prescribed.

LEGISLATIVE BILL 1144. Introduced by V. Johnson, 8th District.

A BILL FOR AN ACT relating to the University of Nebraska at Omaha; to authorize the Board of Regents to complete construction plans for a performing arts center as prescribed; to make an appropriation; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 52. Title read. Considered.

Standing Committee amendment, AM0543, found in the Journal on page 1094 for the Forty-Third Day, First Session, 1987, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Messrs. Barrett, L. Johnson, Weihing, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 8 nays, and 17 not voting.

Mrs. Marsh moved to indefinitely postpone LB 52.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1145. Introduced by Dierks, 40th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to vocational education; to create a fund; to provide matching funds for certain federal funds; and to provide for management of the fund.

RESOLUTION

LEGISLATIVE RESOLUTION 263. Introduced by Education Committee: Withem, 14th District, Chairperson; Chizek, 31st District; Dierks, 40th District; McFarland, 28th District; Nelson, 35th District; and Abboud, 12th District; Korshoj, 16th District; Remmers, 1st District.

WHEREAS, the school district of Oakland-Craig, in the County of Burt, in the State of Nebraska, is a duly accredited Class III school district and municipal corporation created by the Legislature under the laws of the State of Nebraska; and

WHEREAS, the Oakland-Craig School District was sued under the Political Subdivision Tort Claims Act for a school bus accident which occurred on November 6, 1984, for a total sum of twenty-two million dollars; and

WHEREAS, on November 10, 1985, the Oakland-Craig School District's insurance company was declared insolvent by a district court in Polk County, Iowa; and

WHEREAS, the suit was not subject to the one-million-dollar limitation for tort claims brought under the Political Subdivision Tort Claims Act against municipal corporations because such limitation did not become effective until November 16, 1985, and was not retroactive; and

WHEREAS, such suit could potentially have cost the State of Nebraska millions of dollars; and

WHEREAS, such suit was settled and a judgment was entered against the Oakland-Craig School District on December 2, 1987, for a total sum of one and one-half million dollars; and

WHEREAS, in the order approving the settlement and entering the judgment, the court stated that had the case not been settled, the court could have awarded the plaintiff "an amount substantially in excess of the one and one-half million dollars in payments to be made under the . . . settlement"; and

WHEREAS, only one million dollars of the judgment was paid by the Nebraska Property and Liability Insurance Guaranty Association and the insolvent insurance company, placing the responsibility on the Oakland-Craig School District's taxpayers to pay five hundred thousand dollars; and

WHEREAS, the payment of the five-hundred-thousand-dollar judgment will have a devastating financial impact upon the Oakland-Craig School District, its teachers and students, and the community and its citizens; and

WHEREAS, because of the lawsuit and section 77-1623, the entire board of education of the Oakland-Craig School District was forced to resign to avoid personal liability, leaving the school district without a governing body; and

WHEREAS, without a governing body, the taxpayers were forced to place the Oakland-Craig School District into receivership in the district court of Burt County, Nebraska; and

WHEREAS, the Oakland-Craig School District is still in receivership in the district court of Burt County, Nebraska and is still without a board of education; and

WHEREAS, without a board of education or governing body, the Oakland-Craig School District cannot by statute establish a budget for the next fiscal year, and the Oakland-Craig School District is prevented by statutory provisions from budgeting sufficient funds to pay the five-hundred-thousand-dollar judgment or any portion thereof; and

WHEREAS, the current tax levy of the Oakland-Craig School District is one of the highest in the State of Nebraska; and

WHEREAS, the Legislature, when it passed the Political Subdivision Tort Claims Act subjecting municipal corporations such as the Oakland-Craig School District to liability for tort claims, anticipated a result similar to that which is now confronting the Oakland-Craig School District and, as a part of the Political Subdivision Tort Claims Act, enacted section 23-2415 which authorizes a municipal corporation, in a situation such as the situation involving the Oakland-Craig School District, to make application to the State Treasurer for a loan; and

WHEREAS, the judgment is valid and the Oakland-Craig School District does not have the ability to pay such judgment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. Based upon the above findings and determinations which are hereby made by the Legislature, the Legislature requests the State Treasurer, upon application by the Oakland-Craig School District, to make such loan to the Oakland-Craig School District pursuant to section 23-2415 and the findings and determinations herein made, in the total sum of five hundred thousand dollars from funds available for investment in the state treasury, upon such terms and conditions

as required by law and as agreeable by the State Treasurer to insure the loan will be repaid.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 263 was referred to the Reference Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 264. Introduced by Hall, 7th District; Coordsen, 32nd District.

WHEREAS, the 1987 Nebraska Legislative Issues Symposium devoted significant attention to the issues stemming from the trends and needs of rural communities; and

WHEREAS, even as we witness renewed growth and revitalization in some areas of the state, we face new challenges and serious problems in other areas; and

WHEREAS, the 1980's have produced a dramatic contrast to the rural renaissance of the 1970's when people were moving into small towns, and economic conditions in most rural areas have worsened; and

WHEREAS, the farm crises of the 1980's has exacerbated concerns about the future of rural communities, as well as fomenting divisions between Nebraskan's rural and urban sectors; and

WHEREAS, it is clear that opportunities are appearing to develop strong, effective responses to the needs of rural communities and to the healing of rural-urban divisions; and

WHEREAS, historically rural and urban Nebraska have been bound together by common interests; and

WHEREAS, there is no coordinated vision, consensus, or policy to assist rural renewal in Nebraska; and

WHEREAS, there is no statewide coordination of rural renewal programs and policies or any sharing of innovations and successful efforts among rural renewal practitioners; and

WHEREAS, a special research effort is needed regarding the state's lack of a comprehensive policy on rural communities; and

WHEREAS, solutions to rural community revitalization must be driven by the innovation, creativity, and leadership of Nebraska's people, rural and urban, public and private.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council establish a Select Committee on Rural-Urban Renewal and Restoration. The committee shall be composed of ten members of the Legislature, five of whom represent predominately rural districts and five of whom represent predominately urban districts. One rural member shall be appointed by the Speaker and serve as a cochairperson. One urban member shall be appointed by the Chairperson of the Executive Board of the Legislative Council and serve as a cochairperson. Two members each, one rural and one urban, shall be appointed respectively by the Chairpersons of the Agriculture, Natural Resources, Transportation, and Urban Affairs Committees of the Legislature.

2. That among its tasks the select committee shall: (a) Identify and inventory rural development and revitalization service providers and programs; (b) assess rural revitalization practices in Nebraska and in other states; (c) analyze programs and practices with a view to their policy implications; (d) identify and assess how rural and urban Nebraskans were bound together in the past and how they are bound together for the future; and (e) develop recommendations on statewide policies for rural revitalization and the restoration of rural-urban links.

3. That staff assistance for this research effort be coordinated by the Legislative Research Division.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Rogers asked unanimous consent to have his name added as co-introducer to LB 895. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 488 in the Journal. No objections. So ordered.

AM1681

(Amendments to Final Reading copy)

1. On page 2, line 14, after the comma insert "capital stock industrial loan and investment companies,".

Mr. Chizek asked unanimous consent to print the following amendment to LB 362 in the Journal. No objections. So ordered.

AM1657

1. In the Standing Committee amendments, AM0356, adopted January 12, 1988, on page 1, strike beginning with "page" in line 1 through "On" in line 5; and in line 10 strike "all" and insert "any of".

2. On page 2, strike the new matter in lines 5 through 8 and insert "The commission may admit an applicant to the training center for entry level law enforcement certification when the applicant meets any one or more of the following criteria:"; in line 9 strike "Is" and insert "The applicant is"; and in lines 10, 13, 21, and 23 strike "Has" and insert "The applicant has".

3. On page 3, line 5, strike "Has" and insert "The applicant has"; strike the new matter in lines 13 through 21 and insert "The applicant has been pardoned or has never been convicted by any state or the United States of a crime punishable by imprisonment in a penitentiary for a term of one year or more or by any foreign government of a crime which would be punishable by imprisonment for a term of one year or more if committed in Nebraska or has had a conviction for such an offense overturned or reversed by a court of competent jurisdiction:"; in line 22 strike "Possesses" and insert "The applicant possesses"; and in line 24 strike "Is" and insert "The applicant is".

4. On page 4, lines 3 and 5, strike "Has" and insert "The applicant has".

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 1060	Wednesday, January 27, 1988	1:30 p.m.
LB 1087	Wednesday, January 27, 1988	1:30 p.m.
LB 880	Thursday, January 28, 1988	1:30 p.m.
LB 1100	Thursday, January 28, 1988	1:30 p.m.
LB 966	Friday, January 29, 1988	1:30 p.m.
LB 1026	Friday, January 29, 1988	1:30 p.m.

LB 861	Wednesday, February 3, 1988	1:30 p.m.
LB 1056	Wednesday, February 3, 1988	1:30 p.m.
LB 948	Thursday, February 4, 1988	1:30 p.m.
LB 1015	Thursday, February 4, 1988	1:30 p.m.
LB 1055	Thursday, February 4, 1988	1:30 p.m.
LB 865	Friday, February 5, 1988	1:30 p.m.
LB 1070	Friday, February 5, 1988	1:30 p.m.

(Signed) Don Wesely, Chairperson

Urban Affairs

LB 1052	Tuesday, January 26, 1988	1:30 p.m.
LB 958	Tuesday, January 26, 1988	1:30 p.m.
LB 981	Tuesday, January 26, 1988	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

ADJOURNMENT

At 11:52 a.m., on a motion by Mr. Korshoj, the Legislature adjourned until 9:00 a.m., Wednesday, January 20, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 20, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 20, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Conway, Goodrich, Haberman, Hall, V. Johnson, Landis, McFarland, Schellpeper, Withem, Mesdames Higgins, and Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 368, line 25, strike "Laid over." and insert "Referred to the Executive Board."
The Journal for the Eighth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 802. Placed on Select File as amended.
E & R amendments to LB 802:
AM5278

1. On page 1, line 10, after the third comma insert "and" and strike "and 85-963,".
2. On page 4, line 6, after "the" insert "destroyed, stolen, or lost"; in line 8 strike beginning

with the first comma through the period, show as stricken, and insert an underscored period; in line 14 strike the first comma and show as stricken; and in line 15 strike the comma and show as stricken.

3. On page 5, in lines 3 and 10, strike the comma and show as stricken; in line 6 after "issuer" insert an underscored comma; and in line 8 strike the underscored comma.

4. On page 7, line 3, strike the second comma and show as stricken.

5. On page 8, line 7, after the first "or" insert "any"; in line 13 strike the comma and show as stricken; and in line 25 after "created" insert an underscored comma.

6. On page 10, line 8, after "a" insert "Class V"; strike beginning with the second "of" in line 8 through "class" in line 9 and show as stricken; and in line 21 reinstate the stricken comma.

7. On page 14, line 14, after "71-1,147.02," insert "71-1,210,"; in line 15 strike "71-3808," and show as stricken; in line 18 strike beginning with the first comma through the third comma, show as stricken, and insert "to"; and in line 21 after the last comma insert "81-1108.33,".

8. On page 17, line 13, strike the first comma and show as stricken.

9. On page 18, in lines 15, 17, and 20, strike the semicolon, show as stricken, and insert an underscored comma.

10. On page 19, line 2, after "with" insert "an"; and in line 9 after "account" insert "by".

11. On page 20, line 12, after the second comma insert "any".

12. On page 22, line 2, after "such" insert "school"; and in line 7 strike the comma and show as stricken.

13. On page 23, line 14, strike "the" and insert "such school"; and in lines 17 and 18 before "district" insert "school".

14. On page 26, line 2, strike "whose", show as stricken, and insert ", the"; and in line 3 after "programs" insert "of which".

15. On page 27, line 2, after "of" insert "school".

16. On page 32, line 21, strike "one-", show as stricken, and insert "one-year".

17. On page 44, line 20, after the comma insert "all".

18. On page 46, line 13, strike "executors", show as stricken, and insert "personal representatives"; and in line 22 strike the comma and show as stricken.

19. On page 47, line 25, strike "71-494" and insert "79-494".

LEGISLATIVE BILL 803. Placed on Select File.
LEGISLATIVE BILL 804. Placed on Select File.

LEGISLATIVE BILL 805. Placed on Select File as amended.
E & R amendment to LB 805:
AM5265

1. On page 2, line 17, strike "State" and show as stricken.

LEGISLATIVE BILL 806. Placed on Select File.

LEGISLATIVE BILL 807. Placed on Select File as amended.
E & R amendments to LB 807:
AM5266

1. On page 6, line 17, strike the first comma and show as stricken; in line 19 after the first comma insert "and" and strike the second comma and show as stricken; and in line 24 after "property" insert "rights" and strike the comma and show as stricken.

2. On page 7, line 2, strike the comma and show as stricken; and in line 7 after the first comma insert "or".

3. On page 8, line 3, after "Act" insert an underscored comma.

4. On page 9, line 11, after the comma insert "including".

5. On page 10, line 10, strike "and" and insert "or".

LEGISLATIVE BILL 808. Placed on Select File.
LEGISLATIVE BILL 809. Placed on Select File.

LEGISLATIVE BILL 810. Placed on Select File as amended.
E & R amendments to LB 810:

AM5267

1. On page 1, line 3, after the semicolon insert "to eliminate a provision relating to an appeal;".

2. On page 2, line 8, strike the semicolon, show as stricken, and insert "and" and strike "and".

LEGISLATIVE BILL 811. Placed on Select File.

LEGISLATIVE BILL 812. Placed on Select File as amended.
E & R amendment to LB 812:
AM5268

1. On page 3, line 21, after "V" insert "school".

LEGISLATIVE BILL 813. Placed on Select File.

LEGISLATIVE BILL 927. Placed on Select File as amended.
E & R amendments to LB 927:
AM5269

1. On page 1, line 2, strike "85-913," and "85-968,"; in line 3 strike beginning with "85-969" through the third comma; strike beginning with "to" in line 6 through the second semicolon in line 8; and strike beginning with the comma in line 9 through "1943" in line 11.

2. On page 5, line 20, before both commas insert "degree programs".

LEGISLATIVE BILL 316. Placed on Select File as amended.
E & R amendments to LB 316:
AM5274

1. Because of the reissuance of Volumes 5 and 5A, Revised Statutes of Nebraska, on page 1, line 2; page 2, lines 1 to 2; and page 4, line 8, strike "Revised Statutes Supplement, 1986" and insert "Reissue Revised Statutes of Nebraska, 1943".

2. In the Wesely amendment adopted January 13, 1988, found on page 315 of the Journal, strike "assault" and insert "assaults" and underscore "sexual".

3. On page 1, line 4, after the semicolon insert "to define a term;".

4. On page 3, line 2, strike the commas and show as stricken; and in line 21 strike the comma.

5. On page 4, line 3, after "rules" insert "and standards".

LEGISLATIVE BILL 301. Placed on Select File as amended.
E & R amendments to LB 301:
AM5270

1. On page 1, line 1, after the semicolon insert "to state intent; to define terms;"; in line 3 strike the first "and"; and in line 4 after "duties" insert "for the Department of Social Services; and to provide for enforcement of such agreements".
2. On page 2, line 3, strike the comma; in line 7 strike "adoption" and insert "adoptions"; and strike beginning with "shall" in line 24 through "authority" in line 25 and insert "may".
3. On page 3, line 1, strike "to"; and in line 11 after "but" insert "shall".
4. On page 4, line 7, strike "exchange" and insert "exchanges" and strike "is" and insert "are".

LEGISLATIVE BILL 170. Placed on Select File as amended.
E & R amendments to LB 170:
AM5271

1. Because of the amendment of section 28-101 by Laws 1987, LB 451, section 1, on page 1, line 2; page 2, line 2; and page 3, line 25, strike "1986" and insert "1987".
2. On page 1, line 6, after the second semicolon insert "to harmonize provisions;".
3. On page 2, line 7, after "in" insert "this section and section 3 of".

LEGISLATIVE BILL 181. Placed on Select File as amended.
E & R amendments to LB 181:
AM5272

1. Because of the amendment of section 28-101 by Laws 1987, LB 451, section 1, on page 1, line 4; page 3, line 9; and page 7, line 9, strike "1986" and insert "1987".
2. On page 2, lines 7 and 15, strike the comma; and in line 12 strike "whose" and insert "the" and after "packaging" insert "of which".

LEGISLATIVE BILL 647. Placed on Select File.

LEGISLATIVE BILL 647A. Placed on Select File as amended.
E & R amendments to LB 647A:
AM5273

1. On page 1, line 3, strike "First" and insert "Second" and strike "1987" and insert "1988".
2. On page 2, lines 3 and 8, strike "1987" and insert "1988"; in lines 3 and 4 strike "1988" and insert "1989"; in line 5 strike "1989" and insert "1990"; and in line 7 strike "First" and insert "Second".

LEGISLATIVE BILL 249. Placed on Select File as amended.
E & R amendments to LB 249:
AM5275

1. In the Standing Committee Amendments, AM0475, adopted January 14, 1988, on page 1, line 2, after "Every" insert "such"; and strike beginning with "subject" in line 2 through "Act" in line 3.
2. On page 1, line 4, after the second comma insert "and"; and in line 5 strike the comma and insert "of".
3. On page 2, line 11, after the comma insert "such"; strike beginning with "subject" in line 12 through "Act" in line 13; and in line 14 strike "Department of Health" and insert "department".
4. On page 3, strike beginning with "shall" in line 14 through "for" in line 15, show as stricken, and insert "requests a"; in line 15 after "hearing" insert "in writing"; and in line 25 strike the comma and show as stricken.
5. On page 4, line 8, strike "prescribed by the department", show as stricken, and insert "and regulations".

LEGISLATIVE BILL 666. Placed on Select File as amended.
E & R amendments to LB 666:
AM5279

1. Because of the reissuance of volumes 5 and 5A, Revised Statutes of Nebraska, on page 1, line 2; page 2, lines 1 to 2; and page 3, line 20, strike "Revised Statutes Supplement, 1986" and insert "Reissue Revised Statutes of Nebraska, 1943".
2. On page 1, line 3, after "to" insert

"consultation with a council and".

LEGISLATIVE BILL 372. Placed on Select File as amended.
E & R amendments to LB 372:
AM5276

1. In the Standing Committee amendments, AM0530, adopted January 14, 1988, on page 2, line 4, strike "(a)" and insert "(b)" and strike "(b)" and insert "(c)".

2. On page 1, line 5, strike "duties" and insert "requirements for adoptions"; and in line 9 after the first semicolon insert "to provide for fees and rules and regulations; to define a term;".

3. On page 3, line 9, strike "shall find", show as stricken, and insert "finds"; and in line 13 strike "shall appear", show as stricken, and insert "appears".

4. On page 7, line 16, strike "11" and insert "15"; in line 23 strike the comma; and strike beginning with "1" in line 24 through the comma in line 25 and insert "43-107".

5. On page 8, line 9; and page 9, line 4, strike "1 of this act" and insert "43-107".

6. On page 9, line 19, after "information" insert an underscored comma; and in line 21 after "act" insert an underscored comma.

7. On page 10, line 11, strike the comma.

8. On page 11, line 18, after "agency" insert an underscored comma.

9. On page 12, line 9, after "adopt" insert "and promulgate".

10. On page 13, line 23, strike the comma and show as stricken and after "following" insert an underscored colon; and strike line 24 and show as stricken.

11. On page 15, line 21, after "act" insert an underscored comma and strike "regulation", show as stricken, and insert "rules and regulations".

LEGISLATIVE BILL 372A. Placed on Select File as amended.
E & R amendments to LB 372A:
AM5277

1. On page 1, line 3; and page 2, line 8, strike "First Session, 1987" and insert "Second Session,

1988".

2. On page 2, lines 3 and 12, strike "1987" and insert "1988"; in lines 3, 5, 12, and 13, strike "1988" and insert "1989"; and in lines 5 and 13 strike "1989" and insert "1990".

(Signed) Scott Moore, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 259 and LR 262.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 819	Wednesday, January 27, 1988	1:30 p.m.
LB 834	Wednesday, January 27, 1988	1:30 p.m.
LB 1105	Wednesday, January 27, 1988	1:30 p.m.
LB 1115	Wednesday, January 27, 1988	1:30 p.m.
LB 1094	Thursday, January 28, 1988	1:30 p.m.
LB 1095	Thursday, January 28, 1988	1:30 p.m.
LB 1053	Thursday, January 28, 1988	1:30 p.m.
LB 959	Thursday, January 28, 1988	1:30 p.m.

(Signed) Vard R. Johnson, 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 1987 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Papio	
Gast & Peters, Attorneys	
Paul F. Peters	24,538.31
David Newell	7,850.00

NOTICE OF COMMITTEE HEARINGS
Natural Resources

Governor Appointments

Fred E. Hlava - Environmental Control Council		
Friday, January 22, 1988 (cancel)		1:30 p.m.
Thursday, February 4, 1988 (reset)		1:30 p.m.
Robert E. Petersen - Environmental Control Council		
Friday, January 22, 1988 (cancel)		1:30 p.m.
Friday, February 5, 1988 (reset)		1:30 p.m.
LB 1045	Wednesday, January 27, 1988	1:30 p.m.
LB 1046	Wednesday, January 27, 1988	1:30 p.m.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 557 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1686.)

SELECT FILE

LEGISLATIVE BILL 180. E & R amendments, AM5244, found in the Journal on page 284 for the Fifth Day were adopted.

Mrs. Smith offered the following amendment:
AM1649
In the Rogers Amendment found on page 233 of the Journal and adopted January 11, 1988, strike "five hundred" and insert "one hundred".

The Smith amendment lost with 10 ayes, 14 nays, 19 present and not voting, and 6 excused and not voting.

Mr. Wesely renewed his pending amendment, AM1648, found in the Journal on page 351.

The Wesely amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Schmit offered the following amendment:
AM1694

1. Insert the following new section:

"Sec. 8. A telephone company shall at no charge block any person's access to certain prefix numbers upon written request of such person.".

2. Renumber the remaining section accordingly.

The Schmit amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Wesely offered the following amendment:

For purposes of Automatic Dialing Devices

Change penalty found in 87-303.08 for non-compliance from a Class III Misdemeanor to a Class II Misdemeanor.

The Wesely amendment was adopted with 25 ayes, 6 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 697. E & R amendments, AM5243, found in the Journal on page 285 for the Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 305. E & R amendments, AM5248, found in the Journal on page 340 for the Eighth Day were adopted.

Mr. Beyer offered the following amendment:
AM1695

1. Insert the following new sections:

"Sec. 7. That section 60-315, Revised Statutes Supplement, 1987, be amended to read as follows:

60-315. (1)(a) Upon transfer of ownership of any motor vehicle or cabin trailer as defined in section 60-301, (b) in case of loss of possession because of fire, theft, dismantlement, or junking, (c) when a salvage certificate of title is issued, or (d) whenever a type or class of motor vehicle previously registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated on

the public roads and no longer subject to registration fees and taxes, the registration shall expire and the registered owner may, by returning the registration certificate and number plates and, when appropriate, the renewal tabs and, after making affidavit to the county treasurer of such transfer, loss, legislative act, or court decision, receive a refund of that part of the unused fees on passenger vehicles, trucks, and cabin trailers based on the number of unexpired months remaining in the registration period from the date of transfer or loss, the effective date of the legislative act, or the date the court decision is rendered, except that when such vehicle or trailer is transferred, the legislative act is enacted, or the court decision is rendered within the same calendar month in which acquired, no refund shall be allowed for such month. The registered owner shall make a claim for credit or refund of the unused fees within ~~thirty~~ sixty days from the date of the loss or transfer, the effective date of the legislative act, or the date the court decision is rendered or shall be deemed to have forfeited his or her right to such refund. Application for registration or for reassignment of number plates and, when appropriate, renewal tabs to another motor vehicle or cabin trailer shall be made within fifteen days of the date of purchase.

(2) Whenever the registered owner files an application with the county treasurer showing that a motor vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate and number plates and, when appropriate, the renewal tabs or, in the case of the unavailability of such certificate or certificates, number plates, or tabs, then by making an affidavit to the treasurer of such disablement and removal from service, receive a credit for a portion of the registration fee from the fee deposited with the State Treasurer at the time of registration based upon the number of unexpired months remaining in the registration year. When the owner registers a replacement vehicle at the time of filing such affidavit, the credit may be immediately applied against the registration fee for the replacement vehicle. When no such replacement vehicle is so registered, the county treasurer shall forward the

application and affidavit, if any, to the State Treasurer who shall determine the amount, if any, of the allowable credit and furnish a certificate therefor to the owner. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been canceled, the fee shall be that portion of the registration fee for the remainder of the registration year.

Sec. 8. That section 77-1240.03, Revised Statutes Supplement, 1987, be amended to read as follows:

77-1240.03. Upon the transfer of title ownership of any motor vehicle or cabin trailer or whenever a type or class of motor vehicle previously taxed and registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated on the public roads and no longer subject to registration fees and taxes, the transferor, in the case of a transfer, or last registered owner, in the case of a legislative act or court decision, shall be credited with or refunded the tax for the number of unexpired months remaining in the registration period from the date of transfer, effective date of the legislative act, or date the court decision is rendered, except that when the motor vehicle or cabin trailer is transferred, a legislative act is enacted, or a court decision is rendered within the same calendar month in which acquired, no credit or refund of the tax shall be allowed for that month. Should the transferor acquire another motor vehicle or cabin trailer at the time of the transfer, the transferor shall have the credit herein provided applied toward payment of the motor vehicle or cabin trailer tax then owing. Otherwise the transferor shall file a claim for refund with the county assessor upon a form prescribed by the Auditor of Public Accounts. The transferor or last registered owner shall make a claim for credit or refund of the tax for the unexpired months in the registration

period within ~~thirty~~ sixty days from the date of transfer, effective date of the legislative act, or date the court decision is rendered or shall be deemed to have forfeited his or her right to the refund. The county assessor shall certify to the county treasurer the amount of tax refund and the taxing unit where the motor vehicle or cabin trailer is registered. The county treasurer shall make payment to the claimant from the undistributed motor vehicle or cabin trailer taxes of the taxing unit where the tax money was originally distributed, but no refund of less than two dollars shall be paid.".

2. In the E & R Amendments, AM5248, on page 4, strike line 15 and insert "insert 'and sections 60-111, 60-315, and 77-1240.03, Revised Statutes Supplement,' ".

3. Renumber remaining sections accordingly.

The Beyer amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Wehrbein offered the following amendment:

1. On Page 26, Line 8, after "trailer," insert "excluding snowmobiles as defined in section 60-2001,"

The Wehrbein amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 305A. E & R amendments, AM5250, found in the Journal on page 342 for the Eighth Day were adopted.

Mr. Hartnett renewed his pending amendment, AM1615, found in the Journal on page 294.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1146. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-145, Revised Statutes Supplement, 1986, and section 48-146, Revised Statutes Supplement, 1987; to change a provision relating to self-insurance; to provide for treatment of instruments evidencing self-insurance in bankruptcy; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1147. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to handguns; to amend section 28-101, Revised Statutes Supplement, 1987; to define a term; to require a permit as prescribed; to provide penalties; to provide procedures; to provide exceptions; to supersede local regulation; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1148. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-1107, 81-1108.15, and 81-1108.21, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to state office space; and to repeal the original sections.

LEGISLATIVE BILL 1149. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to gambling; to amend section 28-1102, Reissue Revised Statutes of Nebraska, 1943; to make the publishing of certain information by a newspaper the offense of promoting gambling; and to repeal the original section.

LEGISLATIVE BILL 1150. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to the media; to amend sections 29-813, 86-705, 86-708, and 86-711, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to search warrants; to eliminate the Free Flow of Information Act; to harmonize provisions; and to repeal the original sections, and also sections 20-144 to 20-147, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1151. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to crime victims and witnesses; to amend sections 81-1806, 81-1819, and 81-1822, Reissue Revised Statutes of Nebraska, 1943; to eliminate a qualification of hearing officers; to change provisions for the payment of compensation; and to repeal the original sections.

LEGISLATIVE BILL 1152. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to motorcycles; to amend sections 39-2215, 60-403.01, 60-409, 60-2120, 60-2121, 60-2124, 60-2133 to 60-2135, and 60-2138, Revised Statutes Supplement, 1986; to change funding for safety education; to require completion of a safety education course for a license or permit; to eliminate a fund; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections, and also sections 60-2132, 60-2136, 60-2140, and 60-2141, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 1153. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to city planning and zoning; to amend section 19-916, Reissue Revised Statutes of Nebraska, 1943; to authorize certain persons to approve replatting as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1154. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to community antenna television service; to define such service.

LEGISLATIVE BILL 1155. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-120, 17-405.04, 18-1708, 31-766, and 35-513, Reissue Revised Statutes of Nebraska, 1943, and section 18-1707, Revised Statutes Supplement, 1986; to change provisions relating to contracts for firefighting services and emergency vehicles and equipment; to change provisions relating to annexation of fire protection districts; to eliminate a restriction on the location of fire engine houses or stations; to harmonize provisions; and to repeal the original sections, and also section 18-1710, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1156. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-765, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the rights of certain districts to challenge annexation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1157. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1108, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to registration of securities; to provide procedures for registration of an indefinite amount of securities; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1158. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the commodity boards; to amend section 2-3311, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2309, 2-3622, 2-4011, and 54-2112, Revised Statutes Supplement, 1986; to authorize the boards to make grants and enter into contracts for research of tax issues; and to repeal the original sections.

LEGISLATIVE BILL 1159. Introduced by Rogers, 41st District; Dierks, 40th District.

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-514.02, Reissue Revised Statutes of Nebraska, 1943; to authorize additional fire protection services as prescribed; to authorize certain charges for such services; and to repeal the original section.

LEGISLATIVE BILL 1160. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to appropriations; to make appropriations to the Nebraska Natural Resources Commission.

LEGISLATIVE BILL 1161. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to railroads; to amend sections 74-1310, 74-1401, 74-1402, 74-1404, 74-1407, 74-1408, 74-1414, 74-1415, 74-1417, 74-1422, 74-1425, and 74-1427, Reissue Revised Statutes of Nebraska, 1943; to eliminate an excise tax on railroads;

to harmonize provisions; and to repeal the original sections, and also sections 74-1320 to 74-1322, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1162. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to railroads; to amend section 74-1320, Reissue Revised Statutes of Nebraska, 1943; to raise an excise tax; and to repeal the original section.

LEGISLATIVE BILL 1163. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3509, Reissue Revised Statutes of Nebraska, 1943, and section 77-3513, Revised Statutes Supplement, 1987; to provide for homestead exemptions for certain persons missing in action or declared dead or their spouses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1164. Introduced by Barrett, 39th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for certain product development research and market analysis; and to state intent.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Baack asked unanimous consent to have his name added as co-introducer to LB 1086. No objections. So ordered.

Mr. Baack asked unanimous consent to have his name added as co-introducer to LB 865. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 117. E & R amendments, AM5249, found in the Journal on page 343 for the Eighth Day were adopted.

Mrs. Johanns offered the following amendment:
AM1691

1. On page 10, in lines 24 and 25 strike "sexually explicit" and insert "obscene".

Mrs. Johanns offered the following amendment to the pending Johanns amendment:

1) on page 10, after "conduct" in line 25, insert ", as defined in section 28-1463.02,".

The Johanns amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The Johanns amendment, as amended, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mrs. Johanns offered the following amendment:
AM1692

1. On page 7, strike beginning with "for" in line 7 through "offense" in line 9; and strike beginning with "for" in line 23 through "offense" in line 25.

2. On page 10, strike beginning with "for" in line 20 through "offense" in line 22.

3. On page 11, strike beginning with "for" in line 3 through "offense" in line 5.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mrs. Johanns moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The Johanns 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 requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 30 ayes, 1 nay, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 191. E & R amendments, AM5251, found in the Journal on page 343 for the Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 111. E & R amendment, AM5256, found in the Journal on page 343 for the Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 478. E & R amendments, AM5257, found in the Journal on page 343 for the Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 713. E & R amendments, AM5255, found in the Journal on page 344 for the Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 377. E & R amendments, AM5259, printed separate from the Journal and referred to on page 345 for the Eighth Day were adopted.

Mr. Hall offered the following amendment:
AM1693

1. In the Enrollment and Review Amendments, AM5259, on page 1, line 7, after "operator's" insert "conviction or".

2. Insert the following new section:

"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.".

3. Renumber the remaining section accordingly.

The Hall amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 362. E & R amendments, AM5254, found in the Journal on page 345 for the Eighth Day were adopted.

Mr. Chizek renewed his pending amendment, AM1657, found in the Journal on page 368.

The Chizek amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 896. Placed on General File.

LEGISLATIVE BILL 939. Placed on General File as amended.
Standing Committee amendment to LB 939:
AM1697

1. On page 3, strike beginning with "(e)" in line 5 through "large" in line 12 and insert "and (e) five members of the general public, at least one but not more than two of whom shall be from each congressional district"; and in line 17 strike "(2)(g)" and insert "(2)(e)".

(Signed) Ron Withem, Chairperson

SPECIAL COMMITTEE REPORT
Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Barbara Coats Grabowski - Public Employees Retirement Board

Voting Aye: Senators Haberman, Marsh, Abboud, Goodrich, Nelson, Warner. Voting Nay: None. Absent: None.

Miguel Gomez - Public Employees Retirement Board

Voting Aye: Senators Haberman, Marsh, Abboud, Goodrich, Nelson, Warner. Voting Nay: None. Absent: None.

(Signed) Rex Haberman, Chairperson

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Gerald C. Strobel - Director/State Engineer, Nebraska Dept. of Roads

Voting Aye: Senators Lamb, Beyer, Campbell, Rogers, Schellpeper. Voting Nay: None. Not Voting: Senator Wesely. Absent: Senators Ashford and Pirsch.

(Signed) Howard Lamb, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 847	Wednesday, January 27, 1988	1:30 p.m.
LB 850	Wednesday, January 27, 1988	1:30 p.m.

(Signed) Dennis Baack, Chairperson

Appropriations

Wednesday, January 27, 1988, Rm. 1003 1:30 p.m.

Agencies with requested budget adjustments/Governor initiatives:
Agency 37 - Worker's Compensation Court
Agency 24 - Dept. of Motor Vehicles
Agency 27 - Dept. of Roads

Other agencies, no specific requests:
Agency 17 - Dept. of Aeronautics
Agency 90 - Branch Rail Revitalization Council

Thursday, January 28, 1988, Rm. 1003 1:30 p.m.

Agencies with requested budget adjustments/Governor initiatives:
Agency 18 - Dept. of Agriculture
Agency 33 - Game & Parks Commission
Agency 52 - State Board of Agriculture
Agency 84 - Dept. of Environmental Control
Agency 88 - Nebraska Corn Board

Other agencies, no specific requests:
Agency 29 - Dept. of Water Resources
Agency 39 - Nebraska Brand Committee
Agency 42 - Nebraska Beef Board
Agency 55 - Natural Resources Commission
Agency 56 - Nebraska Wheat Board
Agency 57 - Nebraska Oil & Gas Commission
Agency 60 - Nebraska Gasohol Committee
Agency 81 - Nebraska Energy Office
Agency 86 - Dry Bean Board

Friday, January 29, 1988, Rm. 1003 1:30 p.m.

Agencies with requested budget adjustments/Governor initiatives:
Agency 05 - Supreme Court
Agency 46 - Dept. of Correctional Services
Agency 64 - Nebraska State Patrol
Agency 78 - Crime Commission

Other agencies, no specific requests:
Agency 15 - Board of Pardons and Parole

Monday, February 1, 1988, Rm. 2414 1:30 p.m.

Agencies with requested budget adjustments/Governor initiatives:
Agency 48 - Postsecondary Education Coord. Comm.
Agency 83 - Technical Community Colleges
Agency 49 - Board of Trustees -- St Colleges
Agency 50 - Nebraska State Colleges

Tuesday, February 2, 1988, Rm. 2414 1:30 p.m.

Agencies with requested budget adjustments/Governor initiatives:
Agency 51 - University of Nebraska

Wednesday, February 3, 1988, Rm. 1003 1:30 p.m.

Agencies with requested budget adjustments/Governor initiatives:
Agency 13 - Dept. of Education
Agency 47 - Educational Telecommunications Com
Agency 69 - Nebraska Arts Council

Other agencies, no specific requests:

Agency 34 - Nebraska Library Commission
Agency 54 - Nebraska State Historical Society

Thursday, February 4, 1988, Rm. 1003 1:30 p.m.

Agencies with requested budget adjustments/Governor initiatives:
Agency 20 - Dept. of Health
Agency 23 - Dept. of Labor
Agency 25 - Dept. of Public Institutions
Agency 26 - Dept. of Social Services
Agency 72 - Nebraska Indian Commission
Agency 82 - Commission on Hearing Impaired

Other agencies, no specific requests:
Agency 28 - Dept. of Veterans Affairs
Agency 38 - Commission on Status of Women
Agency 67 - Equal Opportunity Commission
Agency 68 - Mexican-American Commission
Agency 70 - Foster Care Review Board
Agency 71 - Department on Aging

Friday, February 5, 1988, Rm. 1003 1:30 p.m.

Agencies with requested budget adjustments/Governor initiatives:
Agency 03 - Legislative Council
Agency 10 - State Auditor
Agency 11 - Attorney General
Agency 12 - State Treasurer
Agency 16 - Dept. of Revenue
Agency 65 - Dept. of Administrative Services
Agency 72 - Dept. of Economic Development
Agency 85 - Employees Retirement Board
Agency 89 - State Claims Board

Other agencies, no specific requests:
Agency 04 - Policy Research Office
Agency 07 - Governor
Agency 08 - Lt. Governor
Agency 09 - Secretary of State
Agency 32 - Educational Lands & Funds
Agency 75 - Nebraska Investment Council
Agency 77 - Commission on Industrial Relations
Agency 80 - Dept. of Personnel
Agency 87 - Political Accountability/Disclosure

(Signed) Jerome Warner, Chairperson

Nebraska Retirement Systems

LB 879	Thursday, January 28, 1988	12:00 noon
LB 866	Thursday, January 28, 1988	12:00 noon

(Signed) Rex Haberman, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1123 through 1145 and legislative resolution 263.

LB	Committee
1123	Health and Human Services
1124	Education
1125	Transportation
1126	Judiciary
1127	Transportation
1128	Transportation
1129	Judiciary
1130	Business and Labor
1131	General Affairs
1132	Education
1133	Government, Military and Veterans Affairs
1134	Urban Affairs
1135	Urban Affairs
1136	Government, Military and Veterans Affairs
1137	Banking, Commerce and Insurance
1138	Revenue
1139	Education
1140	Education
1141	Education
1142	Education
1143	Government, Military and Veterans Affairs
1144	Appropriations
1145	Appropriations

LR	Committee
263	Appropriations

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1165. Introduced by Bernard-Stevens, 42nd District; Scofield, 49th District; Morehead, 30th District; Baack, 47th District; Barrett, 39th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to railroad property; to amend sections 77-619 and 77-620, Reissue Revised Statutes of Nebraska, 1943; to provide for the return of notice to the county clerks in the event an injunction is granted; to change a provision relating to certification of actual value; and to repeal the original sections.

LEGISLATIVE BILL 1166. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Campbell, 22nd District; Coordsen, 32nd District; Dierks, 40th District; Remmers, 1st District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend section 32-1403, Reissue Revised Statutes of Nebraska, 1943; to provide additional requirements for recall petition papers; and to repeal the original section.

LEGISLATIVE BILL 1167. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Campbell, 22nd District; Coordsen, 32nd District; Dierks, 40th District; Remmers, 1st District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-1401 and 32-1403 to 32-1408, Reissue Revised Statutes of Nebraska, 1943, and section 32-1402, Revised Statutes Supplement, 1987; to change provisions relating to recall procedures as prescribed; to provide contents for the petition paper; to provide qualifications for circulators; to limit the number of board members who may be recalled as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1168. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to personnel; to amend section 81-1316, Revised Statutes Supplement, 1987; to exempt personnel of the Nebraska Investment Council from the personnel system; and to repeal the original section.

LEGISLATIVE BILL 1169. Introduced by Nebraska Retirement Systems Committee: Haberman, 44th District, Chairperson; Abboud, 12th District: Goodrich, 20th District; Marsh, 29th District; Nelson, 35th District; Warner, 25th District.

A BILL FOR AN ACT relating to retirement systems; to amend sections 23-2313 and 84-1315, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to annual reports; to eliminate certain annual report requirements; and to repeal the original sections.

LEGISLATIVE BILL 1170. Introduced by Nebraska Retirement Systems Committee: Haberman, 44th District, Chairperson; Abboud, 12th District: Goodrich, 20th District; Marsh, 29th District; Nelson, 35th District; Warner, 25th District.

A BILL FOR AN ACT relating to school retirement; to amend sections 79-1501, 79-1512, 79-1522.01, 79-1527, 79-1528, 79-1531 to 79-1533, 79-1536, 79-1540, 79-1542, 79-1545 to 79-1546, 79-1548 to 79-1550, 79-1552, and 79-1556, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to funds of the school retirement system; to rename certain funds; to create a fund; and to repeal the original sections.

LEGISLATIVE BILL 1171. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to venture capital; to amend section 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, sections 58-401 to 58-404, 58-413, 58-435, and 58-439, Revised Statutes Supplement, 1986, and section 77-2715.07, Revised Statutes Supplement, 1987; to provide powers and duties for the Research and Development Authority related to venture capital financing; to define terms; to authorize additional uses of a fund; to adopt the Venture Capital Company Act; to provide tax credits; to eliminate the Venture Capital Network Act; and to repeal the original sections, and

also sections 81-1265 to 81-1271, Reissue Revised Statutes of Nebraska, 1943.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LR 264. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 52. Considered.

Mrs. Marsh renewed her pending motion found in the Journal on page 364 to indefinitely postpone LB 52.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mrs. Marsh moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

Mrs. Marsh requested a roll call vote on her motion to indefinitely postpone.

Voting in the affirmative, 19:

Abboud	Hannibal	Lynch	Moore	Warner
Ashford	Johnson, L.	Marsh	Morehead	Wehrbein
Barrett	Johnson, R.	McFarland	Nelson	Wesely
Chambers	Landis	Miller	Scofield	

Voting in the negative, 26:

Baack	Coordsen	Hartnett	Lamb	Schellpeper
Bernard-Stevens	Dierks	Hefner	Langford	Schmit
Beyer	Elmer	Higgins	Pirsch	Smith
Chizek	Goodrich	Korshoj	Remmers	Weihing
Conway	Haberman	Labedz	Rogers	Withem
	Hall			

Present and not voting, 3:

Campbell	Johanns	Peterson

Excused and not voting, 1:

Johnson, V.

The Marsh motion lost with 19 ayes, 26 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Warner offered the following amendment:
add - "an effective date for this act of July 1, 1989."

The Warner amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Haberman moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Advanced to E & R for Review with 28 ayes, 16 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 871. Placed on General File.
LEGISLATIVE BILL 872. Placed on General File.
LEGISLATIVE BILL 874. Placed on General File.
LEGISLATIVE BILL 980. Placed on General File.

(Signed) Rod Johnson, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 594. Placed on Select File as amended.
E & R amendments to LB 594:
AM5281

1. In the Standing Committee amendments, AM0368, adopted January 19, 1988, on page 1, line 6, strike "landowner" and insert "owner".

2. On page 3, line 3, after "carry" insert an underscored comma.

3. On page 5, lines 10 and 11, strike "any" and show as stricken.

4. On page 9, line 4, strike the comma and show as stricken.

5. On page 13, line 3, after "and" insert an underscored comma.

LEGISLATIVE BILL 705. Placed on Select File.

LEGISLATIVE BILL 537. Placed on Select File as amended.
E & R amendments to LB 537:
AM5283

1. On page 5, line 2, strike "humans" and insert "human beings"; in line 4 strike "does", show as stricken, and insert "shall"; and in line 21 strike "Where", show as stricken, and insert "When".

2. On page 6, line 7, strike "includes", show as stricken, and insert "shall include".

3. On page 8, line 8, reinstate the stricken comma.

4. On page 9, line 22, strike "where", show as stricken, and insert "when".

LEGISLATIVE BILL 429. Placed on Select File as amended.
E & R amendments to LB 429:
AM5280

1. On page 1, line 1, after the first "to" insert "road"; strike beginning with the first comma in line 3 through "1986" in line 4; in line 6 strike "construction"; strike beginning with "to" in line 6 through the semicolon in line 8; and in line 9 strike "sections" and insert "section".

2. On page 2, line 9, strike "in", show as stricken, and insert "for".

3. On page 3, line 9, strike "must", show as stricken, and insert "shall".

LEGISLATIVE BILL 273. Placed on Select File as amended.
E & R amendments to LB 273:
AM5282

1. Because of the amendment of section 71-148 by Laws 1987, LB 473, section 16, strike original

section 8 and insert the following new section:

"Sec. 9. That section 71-148, Revised Statutes Supplement, 1987, be amended to read as follows:

71-148. For the purpose of section 71-147, unprofessional conduct shall include any of the following acts: (1) Solicitation of professional patronage by agents or persons, popularly known as cappers or steerers, or profiting by the acts of those representing themselves to be agents of the licensee or certificate holder; (2) receipt of fees on the assurance that a manifestly incurable disease can be permanently cured; (3) division of fees, or agreeing to split or divide the fees, received for professional services with any person for bringing or referring a patient; (4) obtaining any fee for professional services by fraud, deceit, or misrepresentation including, but not limited to, falsification of third-party claim documents; (5) cheating on or attempting to subvert the licensing or certification examination; (6) assisting in the care or treatment of a patient without the consent of such patient or his or her legal representative; (7) the use of any letters, words, or term or terms, either as a prefix, affix, or suffix, on stationery, in advertisements, or otherwise, indicating that such person is entitled to practice a system or mode of healing for which he or she is not licensed or certified; (8) performing, procuring, or aiding and abetting in the performance or procurement of a criminal abortion; (9) willful betrayal of a professional secret except as otherwise provided by law; (10) making use of any advertising statements of a character tending to deceive or mislead the public; (11) advertising professional superiority or the performance of professional services in a superior manner; (12) advertising to guarantee any professional service or to perform any operations, painlessly; (13) the performance by a physician of an abortion, as defined in subdivision (1) of section 28-326, under circumstances when he or she will not be available for a period of at least forty-eight hours for postoperative care unless such postoperative care is delegated to and accepted by another physician; (14) performing an abortion upon a minor without having satisfied the notice requirements

of section 28-347; and (15) failure of a professional counselor to abide by section 71-1,272.".

2. Insert the following new section:

"Sec. 6. That section 28-415, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-415. (1) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him or her, he or she shall securely affix to each package in which the drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling a prescription under this article, shall alter, deface, or remove any label so affixed.

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, podiatrist, or veterinarian, he or she shall affix to the container in which such drug is sold or dispensed, a label in accordance with the requirements stated in subdivisions (4)(g) and (h) ~~and (i)~~ of section 28-414. No person shall alter, deface, or remove any label so affixed.".

3. On page 1, line 2, after the last comma insert "28-415,"; in line 3 after the first comma insert "and" and strike "and 71-148,"; in line 4 after "1943" insert ", and section 71-148, Revised Statutes Supplement, 1987"; in lines 8 and 12 strike "drugs" and insert "controlled substances"; and in line 13 after the semicolon insert "to provide severability;".

4. On page 3, line 10, after the second "or" insert "who".

5. On page 7, line 4, strike "It does", show as stricken, and insert "Agent shall"; in line 12 strike "The term", show as stricken, and insert "Controlled substance"; and in line 22 reinstate the stricken comma.

6. On page 8, line 5, after "Health" insert an underscored semicolon and strike "of this state;" and show as stricken.

7. On page 9, line 14, strike "man", show as stricken, and insert "human beings"; and in line 17 strike "does", show as stricken, and insert "shall".

8. On page 10, line 6, strike "and"; in line 7 after "stalks" insert an underscored comma; in line 9 strike "Where", show as stricken, and insert "When"; in lines 18 and 19 reinstate the stricken comma; in line 20 strike "includes", show as stricken, and insert "shall include"; and in line 22 strike "this term does", show as stricken, and insert "manufacture shall".

9. On page 12, lines 5 and 7, strike "It does", show as stricken, and insert "Opiate shall"; and in line 21 reinstate the stricken comma.

10. On page 14, line 10, strike "where", show as stricken, and insert "when".

11. On page 18, line 22, strike "above", show as stricken, and insert "in this subsection".

12. On page 19, line 13, after the second "by" insert "rule and".

13. On page 20, line 16, strike "and", show as stricken, and insert an underscored comma; and in line 17 after "years" insert an underscored comma.

14. On page 21, line 9, strike the comma and show as stricken; and in line 15 strike the new matter.

15. On page 22, line 23; and page 26, line 24, strike the comma and show as stricken.

16. On page 23, line 14; and page 24, line 3, after the first comma insert "the".

17. On page 23, line 17; and page 24, lines 5 to 6, strike "together with" and show as stricken.

18. On page 25, line 12, strike the second comma and show as stricken.

19. On page 30, line 8, after the third comma insert "28-415,", after the fourth comma insert "and", and strike "and 71-148,"; and in line 9 after the second comma insert "and section 71-148, Revised Statutes Supplement, 1987".

20. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 273A. Placed on Select File as amended.
E & R amendments to LB 273A:
AM5284

1. On page 1, line 3; and page 2, line 6, strike "First Session, 1987" and insert "Second Session, 1988".

2. On page 2, line 3, strike "1987" and

insert "1988" and strike "1988" and insert "1989".

LEGISLATIVE BILL 625. Placed on Select File as amended.
E & R amendment to LB 625:
AM5285

1. On page 1, line 4, strike "certain votes of the city council" and insert "when the mayor may vote".

(Signed) Scott Moore, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1172. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to the Board of Parole; to amend section 83-191, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to salaries; and to repeal the original section.

LEGISLATIVE BILL 1173. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to parole; to amend section 83-1,114, Reissue Revised Statutes of Nebraska, 1943; to change a factor considered when granting parole; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1174. Introduced by Landis, 46th District; L. Johnson, 15th District; Moore, 24th District; Withem, 14th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1446.01 and 49-1490, Reissue Revised Statutes of Nebraska, 1943; to provide for additional expenditures by a committee as prescribed; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 1175. Introduced by Lynch, 13th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3504 and 77-3520, Revised Statutes Supplement, 1987; to

provide for deducting certain expenses from income in order to determine homestead exemptions as prescribed; to provide for a redetermination of the exemption; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1176. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to crime victims; to amend sections 81-1423 and 81-1835, Reissue Revised Statutes of Nebraska, 1943; to adopt the Crime Victim's Assistance Act; to provide funding for crime victim's compensation and assistance as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 81-1843 to 81-1848, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1177. Introduced by Ashford, 6th District; Hall, 7th District; Lynch, 13th District; Johanns, 27th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to liquors; to amend sections 53-101 and 53-179, Reissue Revised Statutes of Nebraska, 1943, and section 53-103, Revised Statutes Supplement, 1987; to change provisions relating to sales of liquor on Sundays; to provide for the sale or dispensing of alcoholic liquor in guest rooms in certain circumstances; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1178. Introduced by Conway, 17th District; Ashford, 6th District.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-21,185 and 39-619, Reissue Revised Statutes of Nebraska, 1943; to provide for the reduction of damages in certain actions for contributory fault as prescribed; to define a term; to provide for joint and several liability as prescribed; to provide for allocation of damages between parties; to provide for payment of uncollectible judgments; to prescribe a form; to provide for release from liability; to provide for contribution; to provide applicability; to provide for the application of comparative negligence in certain actions involving railroad rolling stock; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 265CA. Introduced by Baack, 47th District; Scofield, 49th District; Morehead, 30th District; Remmers, 1st District; Moore, 24th District; Bernard-Stevens, 42nd District.

A Resolution to propose an amendment to Article VII, sections 2 and 4, and the repeal of Article VII, section 3, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, sections 2 and 4, and the repeal of Article VII, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CVII-2 "The State Department of Education shall be administered by ~~comprised of a State Board of Education and~~ a Commissioner of Education. The State Department of Education shall have general supervision and administration of the school system of the state and of such other activities as the Legislature may direct."

CVII-4 "The ~~State Board of Education~~ Governor shall appoint, subject to the approval of the Legislature, and fix the compensation of the Commissioner of Education, who shall be ~~the executive officer of the State Board of Education and~~ the administrative head of the State Department of Education, and who shall have such powers and duties as the Legislature may direct. The ~~board~~ Commissioner of Education shall appoint all employees of the State Department of Education. ~~on the recommendation of the Commissioner of Education.~~"

CVII-3 "That Article VII, section 3, 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 for the appointment of the Commissioner of Education by the Governor subject to the approval of the Legislature, and to eliminate the State Board of Education.

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 Reference Committee.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 537. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal and Mrs. Campbell asked unanimous consent to print the following amendment to LB 477 in the Journal. No objections. So ordered.

AM1688

(Amendments to Standing Committee amendments, AM0604)

1. On page 2, strike beginning with "Information" in line 5 through line 8.

VISITORS

Visitors to the Chamber were Senator Elmer's parents, Mr. and Mrs. Willard Elmer from Indianola.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Thursday, January 21, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 21, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 21, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Robert Rudell, Department of Social Services, Immanuel Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett who was excused, and Messrs. Chambers, Dierks, Goodrich, Landis, McFarland, Mesdames Higgins, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 630. Placed on Select File as amended.
E & R amendments to LB 630:
AM5286

1. On page 2, lines 6 and 18; page 3, lines 4 and 24; and page 4, line 11, strike "therein" and insert "in such counties".

2. On page 2, line 19; and page 3, line 15,

strike "persons," and show as stricken.

3. On page 2, line 20, strike the second comma and show as stricken.

LEGISLATIVE BILL 551. Placed on Select File as amended.
E & R amendments to LB 551:
AM5287

1. Because of the amendment of section 79-1501 by Laws 1987, LB 549, section 1, and the reissuance of volumes 5 and 5A, Revised Statutes of Nebraska, strike section 3 and insert the following new section:

"Sec. 3. That section 79-1501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1501. As used in sections 79-1501 to 79-1557 and sections 1 and 2 of this act, unless the context otherwise requires:

(1) Accumulated contributions shall mean the sum of all amounts deducted from the compensation of a member and credited to his or her individual account in the School Employees' Savings Fund together with regular interest thereon, compounded annually;

(2) Beneficiary shall mean any person in receipt of a school retirement allowance or other benefit provided by sections 79-1501 to 79-1557 and sections 1 and 2 of this act;

(3) Member shall mean any person who has an account in the School Employees' Savings Fund;

(4) County school official shall mean the county superintendent or district superintendent and any person serving in his or her office who is required by law to have a teacher's certificate;

(5) Creditable service shall mean prior service for which credit is granted under sections 79-1515 to 79-1518 plus all service rendered while a member of the retirement system and shall include working days, sick days, vacation days, holidays, and any other leave days for which the employee is paid regular wages as part of the employee's agreement with the employer. Creditable service shall not include lump-sum payments to the employee upon termination or retirement in lieu of accrued benefits for such days;

(6) Disability retirement allowance shall mean the annuity paid to a person upon retirement for disability under section 79-1524;

(7) Employer shall mean the State of Nebraska or any subdivision thereof or agency of the state or subdivision authorized by law to hire school employees, as defined in this section, or to pay their salaries;

(8) Fiscal year shall mean any year beginning July 1 and ending June 30 next following;

(9) Regular interest shall mean interest at such a rate as shall be determined by the retirement board in conformity with actual and expected earnings on its investments;

(10) Junior school employee shall mean a school employee, as herein defined, who has not arrived at his or her twenty-first birthday anniversary on August 15 preceding;

(11) Present senior school employee shall mean a senior school employee, as herein defined, who was employed within the State of Nebraska on September 1, 1945;

(12) School employee shall mean the following persons who receive compensation from a public school: (a) Regular teachers and administrators employed on a written contract basis; (b) regular employees not certified, hired upon a full-time basis, which contemplates a work week of not less than thirty hours; and (c) part-time employees hired on a work week of not less than fifteen hours;

(13) Prior service shall mean service rendered as a school employee in the public schools of the State of Nebraska, as such is defined in this section, prior to July 1, 1945;

(14) Public school shall mean any and all schools supported by public funds and wholly under the control and management of the State of Nebraska; or any subdivision thereof, including schools established, maintained, and controlled by the school boards of local school districts and schools under the control and management of the state colleges, the Board of Regents of the University of Nebraska, any educational service unit, and any other educational institution wholly supported by public funds;

(15) Retirement shall mean qualifying for and

accepting a school or disability retirement allowance granted under sections 79-1501 to 79-1557;

(16) Retirement board or board shall mean the Public Employees Retirement Board, which shall administer the retirement system;

(17) Retirement system shall mean the school retirement system of the State of Nebraska provided for in sections 79-1501 to 79-1557 and sections 1 and 2 of this act;

(18) Required deposit shall mean the deduction from a member's compensation as provided for in section 79-1531 which shall all be deposited in the School Employees' Savings Fund;

(19) School year shall mean one fiscal year which shall include not less than one thousand thirty-two instructional hours or, in the case of service in the State of Nebraska prior to July 1, 1945, not less than seventy-five percent of the then legal school year;

(20) Senior school employee shall mean a school employee, as herein defined, who has arrived at his or her twenty-first birthday anniversary on August 15 preceding;

(21) Service shall mean service as a school employee;

(22) School retirement allowance shall mean the total of the savings annuity and the service annuity paid a person who has retired under section 79-1520. The monthly payments shall be payable at the end of each calendar month during the life of a retired member. The first payment shall include all amounts accrued since the effective date of the award of annuity, including a pro rata portion of the monthly amount of any fraction of a month elapsing between the effective date of such annuity and the end of the calendar month in which such annuity began. The last payment shall be at the end of the calendar month in which such member shall die;

(23) Service annuity shall mean payments for life, made in equal monthly installments, derived from appropriations made by the State of Nebraska to the retirement system;

(24) State deposit shall mean the deposit by the state in the retirement system on behalf of any member;

(25) State school official shall mean the Commissioner of Education and his or her professional staff and the assistant commissioner of education in charge of vocational education and his or her professional staff;

(26) Savings annuity shall mean payments for life, made in equal monthly payments, derived from the accumulated contributions of a member;

(27) Emeritus member shall mean a person who has entered retirement under the provisions of sections 79-1501 to 79-1557 and sections 1 and 2 of this act, including those persons who have retired since July 1, 1945, under any other regularly established retirement or pension system as contemplated by section 79-1512, and who has thereafter been reemployed in any capacity by a public school in Nebraska, or has become a state school official or county school official subsequent to such retirement, and who has applied to the board for emeritus membership in the retirement system. The school district or agency shall certify to the retirement board on forms prescribed by the retirement board that the annuitant was reemployed, rendered a service, and was paid by the district for such services;

(28) Primary carrier shall mean the life insurance companies and trust companies designated as the underwriter or trustee of the retirement system;

(29) Actuarial equivalent shall mean the equality in value of the aggregate amounts expected to be received under different forms of payment. The determinations shall be based on the 1971 Group Annuity Mortality Table reflecting sex-distinct factors blended using twenty-five percent of the male table and seventy-five percent of the female table. An interest rate of seven percent per annum shall be reflected in making these determinations;

(30) Retirement date shall mean the first day of the month following the date upon which a member's request for retirement is received on an application form provided by the retirement system if the member has ceased employment in the school system. An application may be filed no more than ninety days in advance of the date on which a member ceases employment in the school system;

(31) Disability retirement date shall mean the

first day of the month following the date upon which a member's request for disability retirement is received on an application form provided by the retirement system if the member has ceased employment in the school system and has complied with sections 79-1523 to 79-1526 as they refer to disability retirement; and

(32) Retirement application form shall mean the form approved by the retirement system for acceptance of a member's request for either regular or disability retirement.".

2. On page 1, lines 2 to 3; and page 9, line 9, strike "Revised Statutes Supplement, 1986" and insert "Reissue Revised Statutes of Nebraska, 1943".

3. On page 2, lines 7, 12, and 24, strike the comma; in line 8 strike "shall"; in lines 9 and 21 strike "have paid" and insert "pays"; and in line 20 strike the first comma and strike "shall".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 810 in the Journal. No objections. So ordered.

AM1677

1. On page 1, line 2, strike "section 83-211" and insert "sections 83-211 and 83-212"; strike beginning with "repeal" in line 3 through "needed" in line 4 and insert "redefine a term"; and strike beginning with "section" in line 7 through "83-212" in line 8 and insert "sections, and also section 83-211.01".

2. Insert the following new section:

"Sec. 2. That section 83-212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-212. The term blind as used in ~~sections 83-210 and 83-211~~ programs administered by the Department of Public Institutions shall include all persons whose sight is so defective as to seriously limit their ability to engage in the ordinary vocations and activities of life.".

3. On page 2, line 14, strike "section

83-211" and insert "sections 83-211 and 83-212"; in line 15 strike "sections" and insert "section"; and in line 16 strike "and 83-212".

4. Renumber original section 2 as section 3.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 1123	Wednesday, February 10, 1988	1:30 p.m.
LB 967	Wednesday, February 10, 1988	1:30 p.m.
LB 881	Wednesday, February 10, 1988	1:30 p.m.
LB 1017	Wednesday, February 10, 1988	1:30 p.m.

(Signed) Don Wesely, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dayle E. Williamson - Director of Natural Resources Commission

Voting Aye: Senators Schmit, Elmer, Rod Johnson, Hall, Johanns, Labedz, Lamb, and Weihing.

LEGISLATIVE BILL 814. Placed on General File.

(Signed) Loran Schmit, Chairperson

MOTION - Approve Appointments

Mr. Lamb moved the adoption of the report of the Transportation Committee for the following Governor appointment found in the Journal on page 391: Gerald C. Strobel - Director/State Engineer, Nebraska Department of Roads.

Voting in the affirmative, 32:

Abboud	Barrett	Coordsen	Hannibal	Johnson, V.
Ashford	Beyer	Haberman	Hefner	Korshoj
Baack	Campbell	Hall	Johnson, L.	Lamb

Langford	Morehead	Rogers	Smith	Weihing
Lynch	Nelson	Schellpeper	Warner	Wesely
Marsh	Peterson	Schmit	Wehrbein	Withem
Miller	Remmers			

Voting in the negative, 0.

Present and not voting, 8:

Bernard-Stevens	Chizek	Elmer	Labedz	Scofield
	Conway	Johanns	Moore	

Excused and not voting, 9:

Chambers	Goodrich	Higgins	Landis	Pirsch
Dierks	Hartnett	Johnson, R.	McFarland	

The appointment was confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Mr. Haberman moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointments found in the Journal on page 390: Barbara Coats Grabowski - Public Employees Retirement Board, and Miguel Gomez - Public Employees Retirement Board.

Voting in the affirmative, 29:

Abboud	Coordsen	Johnson, L.	Morehead	Warner
Ashford	Elmer	Johnson, R.	Nelson	Wehrbein
Barrett	Haberman	Langford	Remmers	Weihing
Beyer	Hall	Lynch	Rogers	Wesely
Campbell	Hannibal	Marsh	Schellpeper	Withem
Conway	Hefner	Miller	Schmit	

Voting in the negative, 0.

Present and not voting, 12:

Baack	Chizek	Korshoj	Moore	Scofield
Bernard-Stevens	Johanns	Labedz	Peterson	Smith
	Johnson, V.	Lamb		

Excused and not voting, 8:

Chambers	Goodrich	Higgins	McFarland	Pirsch
Dierks	Hartnett	Landis		

These appointments were confirmed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 301A. 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 646. Title read. Considered.

Standing Committee amendment, AM0559, found in the Journal on page 1050 for the Forty-Second Day, First Session, 1987, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 477. Title read. Considered.

Standing Committee amendments, AM0604, found in the Journal on page 1095 for the Forty-Third Day, First Session, 1987, were considered.

Mr. Withem offered the following amendment to the Standing Committee amendments:
to amend committee amendment to LB 477 in line 15 by striking "1988" and inserting "1989".

The Withem amendment was adopted with 21 ayes, 0 nays, 25 present and not voting, and 3 excused and not voting.

Mr. Hannibal and Mrs. Campbell renewed their pending amendment, AM1688, found in the Journal on page 406 to the Standing Committee amendments.

The Hannibal-Campbell amendment was adopted with 14 ayes, 0 nays, 33 present and not voting, and 2 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Withem offered the following amendment:
to amend LB 477, green copy, line 11 by striking "1988" and inserting "1989"

The Withem amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 128. Title read. Considered.

Mr. Miller offered the following amendment:
AM1679
1. On page 16, line 17, strike "such" and show as stricken; in line 18 strike "shall", show as stricken, and insert "as described in this subsection may"; in line 22 strike "a" and insert "the"; and in line 23 after "schools" insert "of the single school district".

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Miller amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 836. Placed on General File.
LEGISLATIVE BILL 845. Placed on General File.
LEGISLATIVE BILL 1044. Placed on General File.

(Signed) Vard R. Johnson, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1146 through 1178 and legislative resolution 265.

LB	Committee
1146	Business and Labor
1147	Judiciary
1148	Government, Military and Veterans Affairs
1149	Judiciary
1150	Judiciary
1151	Judiciary
1152	Transportation
1153	Urban Affairs
1154	Urban Affairs
1155	Urban Affairs
1156	Urban Affairs
1157	Banking, Commerce and Insurance
1158	Agriculture
1159	Government, Military and Veterans Affairs
1160	Appropriations
1161	Transportation
1162	Transportation
1163	Revenue
1164	Appropriations
1165	Revenue
1166	Government, Military and Veterans Affairs
1167	Government, Military and Veterans Affairs
1168	Government, Military and Veterans Affairs
1169	Nebraska Retirement Systems
1170	Nebraska Retirement Systems
1171	Banking, Commerce and Insurance
1172	Judiciary
1173	Judiciary
1174	Government, Military and Veterans Affairs
1175	Revenue
1176	Judiciary
1177	General Affairs
1178	Judiciary

LR	Committee
265	Education

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 266. Introduced by Labedz, 5th District; Haberman, 44th District; Higgins, 9th District; Withem, 14th District; Lynch, 13th District; Wesely, 26th District; Hall, 7th District; Ashford, 6th District; Peterson, 21st District; Schellpeper, 18th District; Dierks, 40th District.

WHEREAS, the University of Nebraska Medical Center has critical space needs for modern, state-of-the-art physical facilities to meet the rapidly changing environment for delivery of health care and the education and training of health care professionals; and

WHEREAS, the University of Nebraska Medical Center has a public duty to innovatively train health care professionals for Nebraska within this changing environment; and

WHEREAS, University Hospital is confronted with the problem of having to deliver high-technology health care in some hospital facilities which are seriously outdated and inefficient; and

WHEREAS, the University of Nebraska Medical Center has proposed a 1988 University of Nebraska Medical Center Health Care Project in the amount of twenty-nine million dollars which is designed to address the medical center's instructional, ambulatory care, in-patient room renovation, and off-street parking needs without increasing the current number of acute care beds; and

WHEREAS, the University of Nebraska Medical Center has aggressively pursued cooperative arrangements with other health care institutions in Omaha in order to contain educational and health care costs and to maximize the effective utilization of facilities; and

WHEREAS, the University of Nebraska Medical Center is currently exploring a cooperative venture with Bishop Clarkson Hospital which may result in significant efficiencies for both institutions in the delivery of health care and alter the nature and financing of the medical center's proposed 1988 Health Care Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature approves implementation of the University of Nebraska Medical Center's proposed 1988 Health Care Project and approves the financing of such project through the issuance of bonds which will be repaid solely from medical center patient revenue.

2. That the Legislature commends the University of Nebraska Medical Center administration and the Board of Regents for their efforts to develop cooperative relationships with Bishop Clarkson Hospital and encourage the University of Nebraska Medical Center to continue to develop such relationships in order to contain educational health care costs in the future.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 266 was referred to the Reference Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 352 in the Journal. No objections. So ordered.

AM1700

1. Strike the Chizek amendment, AM1610,
2. adopted January 11, 1988.
3. Renumber remaining sections accordingly.

MOTION - Withdraw LB 843

Mr. V. Johnson moved to withdraw LB 843.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1179. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-6,132 and 39-6,134, Reissue Revised Statutes of Nebraska, 1943, and section 39-669.26, Revised Statutes Supplement, 1987; to provide towing requirements as prescribed; to provide

penalties; to change brake and chain requirements for certain trailers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1180. Introduced by V. Johnson, 8th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-1,104, Revised Statutes Supplement, 1987; to provide for the waiver of an examination requirement for a license to practice medicine and surgery; and to repeal the original section.

LEGISLATIVE BILL 1181. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to water; to adopt the Water Quality Monitoring Act.

LEGISLATIVE BILL 1182. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to solid waste; to adopt the Nebraska Rural Solid Waste Reduction and Management Act; to state findings; to provide duties for the Department of Environmental Control; and to require a report.

LEGISLATIVE BILL 1183. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to motor fuels; to adopt the Motor Fuel Inspection Act; and to provide an operative date.

LEGISLATIVE BILL 1184. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the sales and use tax; to amend section 77-2705, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2702 and 77-2703, Revised Statutes Supplement, 1987; to define and redefine terms; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1185. Introduced by Nelson, 35th District; Wehrbein, 2nd District; Smith, 33rd District; Schellpeper, 18th District; Ashford, 6th District.

A BILL FOR AN ACT relating to nurses; to amend section 71-5609, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nursing Student Assistance Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1186. Introduced by Nelson, 35th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to snowmobiles; to amend sections 60-2001, 60-2004, 60-2009, 60-2009.01, 60-2010.02, 60-2013, 60-2016, and 60-2018.01, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to increase registration fees; to change the disposition of registration fees; to create funds; to transfer jurisdiction from the Department of Motor Vehicles to the Game and Parks Commission; to permit the operation on county roads as prescribed; to change provisions relating to snowmobile safety certificates; to provide a course of instruction; to provide for negligent operation; to limit liability as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1187. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Nebraska Seed Law; to amend section 81-2,147, Reissue Revised Statutes of Nebraska, 1943; to state intent; to require notice on labels as prescribed; to require arbitration; to create an arbitration council; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 1188. Introduced by Johanns, 27th District.

A BILL FOR AN ACT relating to animal technicians; to amend sections 71-1,175, 71-4401, and 71-4403, Revised Statutes Supplement, 1987; to permit animal technicians to vaccinate for rabies as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1189. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to insurance; to provide a premium reduction for certain insurers of motor vehicles as prescribed.

LEGISLATIVE BILL 1190. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to municipalities; to amend section 16-674, Reissue Revised Statutes of Nebraska, 1943; to state intent; to authorize the establishment of gas funds as prescribed; to require economic impact statements prior to the exercise of eminent domain

as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1191. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to the sales and use tax; to amend section 77-2702, Revised Statutes Supplement, 1987; to redefine a term; to provide for taxation of certain satellite television devices and services; and to repeal the original section.

LEGISLATIVE BILL 1192. Introduced by Lamb, 43rd District; Scofield, 49th District; Dierks, 40th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Roads.

LEGISLATIVE BILL 1193. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-810 and 79-903, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to budgets as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1194. Introduced by Scofield, 49th District; Lamb, 43rd District; Johanns, 27th District; Lynch, 13th District; Hall, 7th District; Wesely, 26th District; Dierks, 40th District; Morehead, 30th District; Baack, 47th District; Smith, 33rd District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to transportation; to state intent; to create the Nebraska Transportation Coordination Commission; to provide membership; to provide duties; to require a report; and to provide a termination date.

LEGISLATIVE BILL 1195. Introduced by Ashford, 6th District; Morehead, 30th District; Chizek, 31st District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-669.17 and 39-669.28, Reissue Revised Statutes of Nebraska, 1943; to change the penalty for failure to surrender a revoked operator's license as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1196. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to standard codes; to amend section 18-132, Revised Statutes Supplement, 1986; to provide penalties for violations of standard code licensing provisions; and to repeal the original section.

LEGISLATIVE BILL 1197. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to schools; to amend section 79-101, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to require certain school districts to offer a kindergarten program; and to repeal the original section.

LEGISLATIVE BILL 1198. Introduced by Chizek, 31st District; Hall, 7th District.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2102 and 81-2113, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to require supervision of apprentice electricians as prescribed; to provide duties for the Department of Labor; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1199. Introduced by Chizek, 31st District; Labedz, 5th District; Ashford, 6th District.

A BILL FOR AN ACT relating to video movies; to amend section 28-101, Revised Statutes Supplement, 1987; to define terms; to require a notice or label for video movies as prescribed; to prohibit certain causes of action or liability; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1200. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to teachers; to amend section 79-12,112, Reissue Revised Statutes of Nebraska, 1943; to provide for a merit pay program as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1201. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2704, and 77-2715.07, Revised Statutes Supplement, 1987; to provide for taxation of certain food; to provide a food sales tax credit as prescribed; to provide duties; to harmonize

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

LEGISLATIVE BILL 1202. Introduced by Schmit, 23rd District; Hall, 7th District; Labedz, 5th District; Johanns, 27th District; R. Johnson, 34th District; Elmer, 38th District; Weihing, 48th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to laboratories; to amend sections 71-647, 71-1116, 71-2618, 71-2619, 71-2621, 71-5306, 81-102, 81-156, 81-1108.15, 81-1108.17, 81-1108.20, 81-1108.23, 81-1118.01, 81-1504, 89-187, and 89-1,100, Reissue Revised Statutes of Nebraska, 1943, sections 42-121 and 42-121.01, Revised Statutes Supplement, 1986, and section 71-521, Revised Statutes Supplement, 1987; to create the State Laboratory; to provide duties; to provide for administration; to create a fund; to provide for consolidation of other state-operated laboratories; to create a fund; to provide for funding of certain water sampling by local governmental subdivisions; to harmonize provisions; and to repeal the original sections, and also section 71-2620, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1203. Introduced by Abboud, 12th District; Chizek, 31st District; Hannibal, 4th District; Beyer, 3rd District.

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-509, Reissue Revised Statutes of Nebraska, 1943, and section 35-508, Revised Statutes Supplement, 1986; to provide procedures for incurring indebtedness for certain districts; to require an election; to provide procedures for such elections; to change a power of a district to issue evidences of indebtedness; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1204. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to higher education; to adopt the Higher Education Loan Forgiveness Act.

LEGISLATIVE BILL 1205. Introduced by Higgins, 9th District; Schmit, 23rd District; Beyer, 3rd District; Wehrbein, 2nd District; Moore, 24th District; Dierks, 40th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-161.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the sale of surplus

property of the state and the distribution of proceeds of such sales; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 128. Mr. Lamb moved to indefinitely postpone.

Mr. Miller moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Miller requested a roll vote on the Lamb motion to indefinitely postpone.

Voting in the affirmative, 21:

Abboud	Johanns	Lamb	Peterson	Smith
Coordsen	Johnson, L.	Langford	Pirsch	Warner
Dierks	Johnson, R.	Lynch	Schellpeper	Wehrbein
Elmer	Korshoj	Morehead	Schmit	Weihing
Hefner				

Voting in the negative, 23:

Ashford	Beyer	Goodrich	Landis	Remmers
Baack	Campbell	Haberman	Marsh	Rogers
Barrett	Chambers	Hall	Miller	Wesely
Bernard-Stevens	Chizek	Hannibal	Moore	Withem
	Conway	Johnson, V.	Nelson	

Present and not voting, 1:

Labedz

Absent and not voting, 1:

Higgins

Excused and not voting, 3:

Hartnett	McFarland	Scofield

The Lamb motion to indefinitely postpone lost with 21 ayes, 23 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Miller moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Miller requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Campbell	Haberman	Labedz	Nelson
Baack	Chambers	Hall	Landis	Remmers
Barrett	Chizek	Hannibal	Marsh	Rogers
Bernard-Stevens	Conway	Johanns	Miller	Wesely
Beyer	Goodrich	Johnson, V.	Moore	Withem

Voting in the negative, 22:

Abboud	Higgins	Langford	Pirsch	Smith
Coordsen	Johnson, L.	Lynch	Schellpeper	Warner
Dierks	Johnson, R.	Morehead	Schmit	Wehrbein
Elmer	Korshoj	Peterson	Scofield	Weihing
Hefner	Lamb			

Excused and not voting, 2:

Hartnett McFarland

Advanced to E & R for Review with 25 ayes, 22 nays, and 2 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1206. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend sections 2-2501, 2-2502, 2-2504, 2-2505, 81-1201.07, 81-1201.10, and 81-1201.17, Reissue Revised Statutes of Nebraska, 1943, to transfer the Nebraska Agricultural Products Research Fund and the powers and duties connected with such fund from the Department of Economic Development to the Department of Agriculture; to establish the Telecommunications and Information Division within the Department of Administrative Services and eliminate such division from the Department of Economic Development; to provide for the transfer of furniture, books, files, and records as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1207. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1358, 77-1359, and 77-1363, Reissue Revised Statutes of Nebraska, 1943, and sections 77-508.01, 77-1362, 77-1364, and 77-1503.01, Revised Statutes Supplement, 1987; to provide for intracounty equalization; to change provisions relating to certain legislative findings; to redefine a term; to change a provision relating to adjustments to actual value; to provide for the use of soil classifications as prescribed; to provide duties for the Tax Commissioner; to harmonize provisions; to eliminate certain provisions relating to changes of valuation by county boards of equalization; to provide an operative date; and to repeal the original sections, and also section 77-1506.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-1506.02, Revised Statutes Supplement, 1987.

LEGISLATIVE BILL 1208. Introduced by V. Johnson, 8th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-331, Reissue Revised Statutes of Nebraska, 1943, and section 60-305.09, Revised Statutes Supplement, 1986; to change fees for certain commercial trucks; and to repeal the original sections.

LEGISLATIVE BILL 1209. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-3508, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to grounds for revocation, suspension, or nonrenewal of certificates of authority for service companies as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1210. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to higher education; to amend sections 79-2644, 85-901, 85-902, 85-903, 85-905, 85-907, 85-908, 85-909, 85-910, 85-913, 85-915, 85-916.01, 85-916.02, 85-969, 95-983, 85-9,104, 85-9,105, and 85-9,107, Reissue Revised Statutes of Nebraska, 1943; to restate intent; to define and redefine terms; to rename a commission; to change the membership of the commission; to provide additional powers and duties for the commission; to provide for the development of a strategic long-range plan for higher education; to provide duties for the Revisor of Statutes; to eliminate a provision relating to voting by the commission; to eliminate a provision relating to committees' actions on the commission's recommendations; to eliminate a provision relating to the Performance Review and Audit Committee; to eliminate a provision relating to the establishment of new programs; to harmonize provisions; and to repeal the original sections, and also sections 85-902.01, 85-967, 85-9,108, and 85-9,109, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1211. Introduced by Chizek, 31st District; Ashford, 6th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-419, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the powers of the city council; and to repeal the original section.

LEGISLATIVE BILL 1212. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to labor; to adopt the Construction Workers Fringe Benefit Society Act.

LEGISLATIVE BILL 1213. Introduced by Peterson, 21st District.

A BILL FOR AN ACT relating to counties; to amend sections 23-143 and 23-144, Reissue Revised Statutes of Nebraska, 1943; to

provide a setoff for delinquent real property taxes; and to repeal the original sections.

LEGISLATIVE BILL 1214. Introduced by Morehead, 30th District; Miller, 37th District; Korshoj, 16th District; Landis, 46th District; Marsh, 29th District; Elmer, 38th District; Lamb, 43rd District; Coordsen, 32nd District; R. Johnson, 34th District; Chambers, 11th District; Peterson, 21st District.

A BILL FOR AN ACT relating to gambling; to amend sections 9-1,101, 9-204, 9-235, 9-402, 9-411, 9-415, 9-422, 9-502, 9-507, 9-509, 9-512, 9-607, 14-102, 15-258, 16-226, 17-120, 17-207, 28-1101, 28-1105, and 28-1113, Revised Statutes Supplement, 1986, and section 28-101, Revised Statutes Supplement, 1987; to prohibit the sale of pickle cards; to provide a penalty; to eliminate the Nebraska Pickle Card Lottery Act; to harmonize provisions; and to repeal the original sections, and also sections 9-301 to 9-351 and 9-353 to 9-355, Revised Statutes Supplement, 1986, and section 9-352, Revised Statutes Supplement, 1987.

LEGISLATIVE BILL 1215. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to the State Fire Marshal; to require the State Fire Marshal to adopt certain standards; to create a committee; to prohibit the purchase or labeling of certain equipment as prescribed; and to provide penalties.

LEGISLATIVE BILL 1216. Introduced by Coordsen, 32nd District; Wehrbein, 2nd District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to the Institute of Agriculture and Natural Resources of the University of Nebraska; to amend sections 2-1803, 2-2304, 2-3304, 2-3404, 2-3611, 2-4004, 85-1,104, and 85-1,105, Reissue Revised Statutes of Nebraska, 1943; to make the vice chancellor of such institute a chancellor; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1217. Introduced by R. Johnson, 34th District; Abboud, 12th District; Wesely, 26th District; Hall, 7th District; Hefner, 19th District; Morehead, 30th District; Bernard-Stevens, 42nd District; Scofield, 49th District; Miller, 37th District; Barrett, 39th District; Weihing, 48th District; Coordsen, 32nd District; Wehrbein, 2nd District; Elmer, 38th District; Smith, 33rd District; Moore, 24th District; Nelson, 35th District; Baack,

47th District; Korshoj, 16th District; Conway, 17th District; Schellpeper, 18th District; Dierks, 40th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to the Ethanol Authority and Development Act; to amend section 66-1321, Reissue Revised Statutes of Nebraska, 1943, and sections 66-1307, 66-1317, 66-1322, and 66-1323, Revised Statutes Supplement, 1987; to authorize grants or loans for the development or marketing of certain products; to authorize grants or loans to the University of Nebraska; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 267. Introduced by Schmit, 23rd District; Warner, 25th District.

WHEREAS, the Nebraska Wheat Development, Utilization, and Marketing Board has announced the first sale of a unit-trainload of clean Nebraska wheat for export; and

WHEREAS, the sale is the direct result of a coordinated and targeted marketing initiative by the board, the Lyman Elevator Company of Lyman, Nebraska, and the Foreign Trade Department of the State Granary of Finland; and

WHEREAS, the sale is a significant step toward development of a major market for wheat and other commodities; and

WHEREAS, high quality wheat sells for about five cents per bushel above the price for standard grade wheat; and

WHEREAS, the increased price paid for a bushel of clean Nebraska wheat is of significant benefit to all Nebraska wheat growers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby commends the cooperative efforts of the Nebraska Wheat Development, Utilization, and Marketing Board, the Lyman Elevator Company, and the Foreign Trade Department of the State Granary of Finland in accomplishing an endeavor of mutual benefit to all parties involved.

2. That the Legislature pledges its continued support for the clean grain marketing efforts of the several commodity development boards, the Interstate Agricultural Grain Marketing Commission of which Nebraska is a member, and other grain marketing entities both here and abroad.

Laid over.

LEGISLATIVE RESOLUTION 268CA. Introduced by Withem, 14th District.

A Resolution to propose an amendment to Article VII, section 10, and the repeal of Article VII, section 13, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, and the repeal of Article VII, section 13, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CVII-10 "The general government of the University of Nebraska and the Nebraska State Colleges shall, under the direction of the Legislature, be vested in a board of ~~not less than six nor more than eight~~ nine regents to be designated the Board of Regents of the University of Nebraska ~~, who~~ and the Nebraska State Colleges. Five members shall be elected from and by districts as the Legislature shall provide and four members shall be appointed by the Governor. Of the appointed members, no more than two shall belong to the same political party. ~~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 and appointed members shall be for six years each. In addition, the Governor shall appoint three college or university students, not more than one of whom shall attend any campus of the University of Nebraska, to serve as nonvoting members of the Board of Regents. Each student shall serve a one-year term. The members' ~~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 elected 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~~ when necessary specify the newly established district which they shall represent for the balance of their term.

That Article VII, section 13, 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:

"A constitutional amendment to provide that the general government of the University of Nebraska and the Nebraska State Colleges be vested in a single governing board and to provide for the membership on such board.

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 Reference Committee.

LEGISLATIVE RESOLUTION 269CA. Introduced by Withem, 14th 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 NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 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:

CVII-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~~ when 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 Reference Committee.

LEGISLATIVE RESOLUTION 270CA. Introduced by Baack, 47th District; Weihing, 48th District.

A Resolution to propose the repeal of Article XII, section 8, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the repeal of Article XII, section 8, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CXII-8 "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:

"A constitutional amendment to repeal restrictions on corporations and syndicates acquiring an interest in real estate used for farming or ranching or engaging in farming or ranching.

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 Reference Committee.

LEGISLATIVE RESOLUTION 271CA. Introduced by Baack, 47th District; Weihing, 48th District.

A Resolution to propose an amendment to Article XII, section 8, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XII, section 8, of the

Constitution of Nebraska, which is hereby proposed by the Legislature:

CXII-8 "That Article XII of the Constitution of the State of Nebraska be amended by adding a new section numbered 8 and subsections as numbered, notwithstanding any other provisions of this Constitution.

Sec. 8. (1) No corporation or syndicate shall acquire, or otherwise obtain an interest, whether legal, beneficial, or otherwise, in any title to real estate used for farming or ranching in this state, or engage in farming or ranching.

Corporation shall mean any corporation organized under the laws of any state of the United States or any country or any partnership of which such corporation is a partner.

Farming or ranching shall mean (i) the cultivation of land for the production of agricultural crops, fruit, or other horticultural products, or (ii) the ownership, keeping or feeding of animals for the production of livestock or livestock products.

Syndicate shall mean any limited partnership organized under the laws of any state of the United States or any country, other than limited partnerships in which the partners are 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, or their spouses, at least one of whom is a person residing on or actively engaged in the day to day labor and management of the farm or ranch, and none of whom are nonresident aliens. This shall not include general partnerships.

These restrictions shall not apply to:

(A) A family farm or ranch corporation. Family farm or ranch corporation shall mean a corporation engaged in farming or ranching or the ownership of agricultural land, in which the majority of the voting stock is held by 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, or their spouses, at least one of whom is a person residing on or actively engaged in the day to day labor and management of the farm or ranch and none of whose stockholders are non-resident aliens and none of whose stockholders are corporations or partnerships, unless all of the stockholders or partners of such entities are persons related within the fourth degree of kindred to the majority of stockholders in the family farm corporation.

These restrictions shall not apply to:

(B) Non-profit corporations.

These restrictions shall not apply to:

(C) Nebraska Indian tribal corporations.

These restrictions shall not apply to:

(D) Agricultural land, which, as of the effective date of this Act, is being farmed or ranched, or which is owned or leased, or in which there is a legal or beneficial interest in title directly or indirectly owned, acquired, or obtained by a corporation or syndicate, so long as such land or other interest in title shall be held in continuous ownership or under continuous lease by the same such corporation or syndicate, and including such additional ownership or leasehold as is reasonably necessary to meet the requirements of pollution control regulations. For the purposes of this exemption, land purchased on a contract signed as of the effective date of this amendment, shall be considered as owned on the effective date of this amendment.

These restrictions shall not apply to:

(E) A farm or ranch operated for research or experimental purposes, if any commercial sales from such farm or ranch are only incidental to the research or experimental objectives of the corporation or syndicate.

These restrictions shall not apply to:

(F) Agricultural land operated by a corporation for the purpose of ~~raising~~ producing poultry or poultry products, including the processing, refining, or packaging of such products.

These restrictions shall not apply to:

(G) Land leased by alfalfa processors for the production of alfalfa.

These restrictions shall not apply to:

(H) Agricultural land operated for the purpose of growing seed, nursery plants, or sod.

These restrictions shall not apply to:

(I) Mineral rights on agricultural land.

These restrictions shall not apply to:

(J) Agricultural land acquired or leased by a corporation or syndicate for immediate or potential use for nonfarming or nonranching purposes. A corporation or syndicate may hold such agricultural land in such acreage as may be necessary to its nonfarm or nonranch business operation, but pending the development of such agricultural land for nonfarm or nonranch purposes, not to exceed a period of five years, such land may not be used for farming or ranching except under lease to a family farm or ranch corporation or a non-syndicate and non-corporate farm or ranch.

These restrictions shall not apply to:

(K) Agricultural lands or livestock acquired by a corporation or syndicate by process of law in the collection of debts, or by any procedures for the enforcement of a lien, encumbrance, or claim thereon, whether created by mortgage or otherwise. Any lands so

acquired shall be disposed of within a period of five years and shall not be used for farming or ranching prior to being disposed of, except under a lease to a family farm or ranch corporation or a non-syndicate and non-corporate farm or ranch.

These restrictions shall not apply to:

(L) A bona fide encumbrance taken for purposes of security.

These restrictions shall not apply to:

(M) Custom spraying, fertilizing, or harvesting.

These restrictions shall not apply to:

(N) Livestock futures contracts, livestock purchased for slaughter, or livestock purchased and resold within two weeks.

These restrictions shall not apply to:

(O) Any activities by a trust company or trust department of a financial institution that results in nonbeneficial interest being held by such trust company or financial institution.

If a family farm corporation, which has qualified under all the requirements of a family farm or ranch corporation, ceases to meet the defined criteria, it shall have fifty years, if the ownership of the majority of the stock of such corporation continues to be held by persons related to one another within the fourth degree of kindred or their spouses, and their landholdings are not increased, to either re-qualify as a family farm corporation or dissolve and return to personal ownership.

The Secretary of State shall monitor corporate and syndicate agricultural land purchases and corporate and syndicate farming and ranching operations, and notify the Attorney General of any possible violations. If the Attorney General has reason to believe that a corporation or syndicate is violating this amendment, he or she shall commence an action in district court to enjoin any pending illegal land purchase, or livestock operation, or to force divestiture of land held in violation of this amendment. The court shall order any land held in violation of this amendment to be divested within two years. If land so ordered by the court has not been divested within two years, the court shall declare the land escheated to the State of Nebraska.

If the Secretary of State or Attorney General fails to perform his or her duties as directed by this amendment, Nebraska citizens and entities shall have standing in district court to seek enforcement.

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."

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 change restrictions on corporations or syndicates relating to (a) the production of poultry or poultry products and (b) activities by a trust company or trust department of a financial institution.

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 Reference Committee.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 930. Placed on General File.

LEGISLATIVE BILL 869. Placed on General File as amended.
Standing Committee amendment to LB 869:
AM1704

1. On page 2, line 7, strike "osteopathy" and insert "osteopathic medicine or osteopathic medicine and surgery".

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 271 in the Journal. No objections. So ordered.

AM1611
(Amendments to Standing Committee amendments, AM0773)

1. On page 1, line 3, after "stricken" insert "; strike beginning with the first 'of' in line 13 through 'nine' in line 14, show as stricken, and insert 'ten'; and in line 15 before 'three' insert 'at least' "; in line 13 strike "facility's"; and in line 14 strike "operating budget" and insert "budget under which the facility is operating at the time the projects are approved by the local governing body or ten thousand dollars, whichever is greater" and strike "shall" and

insert "may".

2. On page 2, line 9, after the semicolon insert "and"; strike lines 10 through 12 and insert " 'or minimum standards'."; and in line 14 strike "5" and insert "6" and after the quote marks insert:

"Sec. 2. That section 83-4,125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,125. For the purposes of sections 83-4,124 to 83-4,134, criminal detention facility shall mean any institution operated by a political ~~jurisdiction~~ subdivision or a combination of ~~jurisdictions~~ political subdivisions, other than an institution operated by the Department of Correctional Services, for the careful keeping or rehabilitative needs of adult or juvenile criminal offenders or those persons being detained while awaiting disposition of charges against them. Criminal detention facilities are defined as follows:

(1) Type I Facilities shall mean criminal detention facilities used for the detention of persons for not more than twenty-four hours, excluding holidays and weekends;

(2) Type II Facilities shall mean criminal detention facilities used for the detention of persons for not more than ninety-six hours, excluding holidays and weekends; and

(3) Type III Facilities shall mean criminal detention facilities used for the detention of persons beyond ninety-six hours.".

3. On page 3, line 17, strike "6" and insert "7".

4. Insert the following new amendments:

"2. On page 3, strike lines 3 and 4, show as stricken; and insert 'Association; (6) three lay people; and (7) one person who at the time of appointment is serving as an administrator or jailer responsible for the operation and maintenance of a criminal detention facility having an average daily population of greater than fifty persons.'.

7. On page 8, line 22, strike the last comma; and strike line 23 and insert 'to 83-4,134, Reissue'.".

5. Renumber the remaining amendments.

Mr. Schmit asked unanimous consent to print the following amendment to LB 641 in the Journal. No objections. So ordered.

AM1707

1. Insert the following new section:

"Section 1. That section 81-1120.19, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1120.19. The division shall have authority to purchase or lease communications facilities, services, or channels on terms which are for the best interests of the State of Nebraska. In making the decision as to what proposal is for the best interests of the state, the decision of the division shall be based upon, but not necessarily limited to: ~~;~~ (1) ~~the~~ The total cost to the state, computed in accordance with accepted governmental cost-accounting procedures taking into account taxes to be paid or foregone, interest rates, and obsolescence; (2) the quality of the service offered; (3) the comprehensiveness of the proposed facilities or plan; (4) the financial responsibility of the supplier or carrier submitting the proposal; (5) the repair and maintenance capabilities of the supplier or carrier; (6) the experience as a communications carrier or supplier, as applicable; and (7) the alternate methods or facilities available. ~~The powers conferred by this section shall be subject to the condition that, except for existing state-owned facilities, the division shall obtain all exchange, intercity, toll, wide-area and private-line communications service from carriers regulated and certificated by the Public Service Commission in the area or areas in which such services are rendered.~~ Any purchase or lease~~, except from such regulated carriers,~~ made by the division shall be made through the materiel division of the Department of Administrative Services pursuant to the functions, powers, and duties of such division.".

2. On page 2, line 1, after "That" insert "original section 81-1120.19, Reissue Revised Statutes of Nebraska, 1943, and also".

3. Renumber original section 1 as section 2.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 1166	Thursday, January 28, 1988	1:30 p.m.
LB 1167	Thursday, January 28, 1988	1:30 p.m.
LB 1098	Thursday, January 28, 1988	1:30 p.m.
LR 248CA	Thursday, January 28, 1988	1:30 p.m.

(Signed) Dennis Baack, Chairperson

Natural Resources

LB 1002	Thursday, January 28, 1988	1:30 p.m.
LB 1078	Thursday, January 28, 1988	1:30 p.m.
LB 897	Thursday, January 28, 1988	1:30 p.m.
LB 964	Thursday, January 28, 1988	1:30 p.m.

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 370. Title read. Considered.

Standing Committee amendment, AM0578, found in the Journal on page 1159 for the Forty-Fifth Day, First Session, 1987, was considered.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mrs. Morehead and Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 676. Title read. Considered.

Standing Committee amendment, AM0579, found in the Journal on page 1159 for the Forty-Fifth Day, First Session, 1987, was considered.

Mrs. Campbell asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 702. Mr. Haberman requested to pass over.

LEGISLATIVE BILL 641. Title read. Considered.

Mr. Schmit renewed his pending amendment, AM1707, found in this day's Journal.

SPEAKER BARRETT PRESIDING

Mr. Withem requested a ruling of the Chair on whether the Schmit amendment is germane to the bill.

The Chair ruled the Schmit amendment is not germane to the bill.

Mr. Schmit challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1218. Introduced by Rules Committee: Lynch, 13th District, Chairperson; Moore, 24th District; Rogers, 41st District; and Warner, 25th District; Labedz, 5th District.

A BILL FOR AN ACT relating to campus buildings and facilities; to amend sections 85-404 and 85-408, Reissue Revised Statutes of Nebraska, 1943; to change approval requirements; and to repeal the original sections.

LEGISLATIVE BILL 1219. Introduced by Rules Committee: Lynch, 13th District, Chairperson; Moore, 24th District; Rogers, 41st District; and Labedz, 5th District.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-417, Reissue Revised Statutes of Nebraska, 1943; to provide for the membership of the Nebraska Retirement Systems Committee; to eliminate a provision relating to the committee; to harmonize provisions; and to repeal the original section, and also section 50-416, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 1220. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to insurance companies; to amend section 44-309, Revised Statutes Supplement, 1987; to change a provision relating to authorized investments; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1221. Introduced by L. Johnson, 15th District; Lynch, 13th District; Chizek, 31st District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1002 and 29-1823, Reissue Revised Statutes of Nebraska, 1943; to provide for the payment of certain costs by the state when determining mental competency; and to repeal the original sections.

LEGISLATIVE BILL 1222. Introduced by V. Johnson, 8th District.

A BILL FOR AN ACT relating to the Nebraska Bingo Act; to amend sections 9-201, 9-203, 9-211, 9-212, 9-215, 9-216, 9-218, 9-222, 9-226, 9-227, 9-228, 9-229, 9-230, 9-231, 9-232, 9-233, 9-236, 9-243, 9-244, 9-246, 9-247, 9-253, 9-258, 9-259, and 9-261, Revised Statutes Supplement, 1986, and section 9-262, Revised Statutes Supplement, 1987; to define, redefine, and eliminate terms; to change provisions relating to the awarding, denial, renewal, suspension, and expiration of certain licenses; to provide for the classification of licenses; to change provisions relating to the compensation of certain persons; to limit the amount of revenue generated from bingo activity as prescribed; to require licenses for gaming managers and commercial lessors as prescribed; to restrict the leasing of premises as prescribed; to provide fees; to change a provision relating to conflicts of interest; to require payment of expenses from a certain account as prescribed; to harmonize provisions; to change a provision relating to violations and penalties under the act; and to repeal the original sections, and also section 9-224, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 1223. Introduced by Morehead, 30th District; Johanns, 27th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to service of process; to amend sections 25-506.01, 25-1011, 25-1223, 29-1901, and 29-1902, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the manner, proof, and costs of service of process; to permit the use of mail for service of process involving garnishment; and to repeal the original sections.

LEGISLATIVE BILL 1224. Introduced by Conway, 17th District; Baack, 47th District; Chambers, 11th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-1,104, Revised Statutes Supplement, 1987; to change licensing provisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1225. Introduced by Lamb, 43rd District; Smith, 33rd District; Langford, 36th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1247.02 and 79-2301 to 79-2317, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide plans and procedures for the affiliation of school districts; to provide for a special board of education; to provide budget procedures; to provide responsibility for bonded indebtedness as prescribed; to change provisions relating to the allocation of school funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1226. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to colleges and universities; to state legislative findings; to provide that football players at the University of Nebraska at Lincoln be treated as university employees; and to provide an operative date.

LEGISLATIVE BILL 1227. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2609, Reissue Revised Statutes of Nebraska, 1943; to change qualifications for the Director of Health; and to repeal the original section.

LEGISLATIVE BILL 1228. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to farming and ranching; to adopt the Corporate Farm Reporting Act.

LEGISLATIVE BILL 1229. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to electrical energy; to amend section 70-655, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nebraska Electrical Energy Management and Incentives Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1230. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to education; to adopt the Education Voucher Act.

LEGISLATIVE BILL 1231. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to constables; to amend sections 11-119, 14-606, 15-733, 16-323, 17-118, 23-1705, 23-1706, 23-1707, 23-1802, 23-1803, 23-1811, 24-580, 24-593, 24-595, 24-596, 24-598, 24-5,100, 24-5,103, 24-5,104, 25-1223, 25-1230, 25-1232, 25-1238, 28-927, 28-1305, 28-1417, 29-205, 29-401, 29-406, 29-407, 29-413, 29-2403, 29-2701, 29-2815, 32-464, 32-465, 32-466, 33-119, 33-120, 33-136, 37-603, 37-606, 37-609, 37-913, 39-683, 49-801, 53-197, 54-205, 54-304, 54-705, 60-109, 64-108, 71-154, 71-161.06, 71-1,147.11, 71-1334, 75-130, 75-334, 76-1446, 77-1214, 79-453, 83-195, 83-1,128, and 83-1011, Reissue Revised Statutes of Nebraska, 1943, sections 7-111, 15-326, 32-1221, and 39-6,104, Revised Statutes Supplement, 1986, and sections 23-1704.01, 23-1801, 24-597, and 33-117, Revised Statutes Supplement, 1987; to eliminate the position of constable; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 24-5,101, 24-5,105, 24-5,106, 29-204, and 33-135.01, Reissue Revised Statutes of Nebraska, 1943.

CORRECTED NOTICE OF COMMITTEE HEARING
Appropriations

Tuesday, January 26, 1988 1:30 p.m.
Agency 22 - Dept. of Institutions should read as follows:
Agency 22 - Department of Insurance

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 557A in the Journal. No objections. So ordered.

AM1624

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $29,427 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $17,150 from the Bureau of Examining Boards' Cash Fund for the period July 1, 1989, to June 30, 1990, to the Department of Health, for Program 178, to aid in carrying out the provisions of Legislative Bill 557, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $13,900 for the period July 1, 1988, to June 30, 1989, nor $11,904 for the period July 1, 1989, to June 30, 1990.

Sec. 2. On or before June 30, 1990, the State Treasurer is hereby directed to transfer $29,427 from the Bureau of Examining Boards' Cash Fund to the General Fund to reimburse the General Fund provided for in section 1 of this act.".

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs 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 W. Sim - Accountability and Disclosure Commission

Voting aye: Senators Baack, Campbell, Coordsen, Dierks, Remmers, and Smith. Voting nay: None. Not voting: Senator Higgins. Absent: Senator Withem.

(Signed) Dennis Baack, Chairperson

VISITORS

Visitors to the Chamber were Dale Collinsworth from Columbus; Dina Kowal and Tom Cavanaugh from Omaha; and Roger Kohles.

ADJOURNMENT

At 12:09 p.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:00 a.m., Friday, January 22, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 22, 1988

LEGISLATIVE JOURNAL

ELEVENTH DAY - JANUARY 22, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 22, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Kendall Hughes, Northside Church of the Nazarene, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Chambers, Conway, Haberman, Hall, Landis, Schellpeper, Wesely, Withem, Mesdames Higgins, Johanns, Labedz, Morehead, Nelson, Pirsch, and Smith 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 52. Placed on Select File as amended.
E & R amendments to LB 52:
AM5288

1. In lieu of the Warner amendment adopted January 20, 1988, found on page 398 of the Journal, in the Standing Committee amendments, AM0543, adopted January 19, 1988, insert the following new section and

renumber the remaining section accordingly:

"Sec. 3. This act shall become operative on July 1, 1989.".

2. In the Standing Committee amendments, AM0543, adopted January 19, 1988, on page 2, line 8, after "contact" insert an underscored comma.

3. On page 1, strike beginning with "independent" in line 1 through line 6 and insert "intergovernmental cooperation; to amend sections 81-819 and 81-820, Reissue Revised Statutes of Nebraska, 1943; to change and provide duties for the Legislative Committee on Intergovernmental Cooperation; to eliminate provisions relating to the sending of copies of certain statutes and relating to the Council of State Governments, the American Legislators' Association, the Governor's Committee on Intergovernmental Cooperation, and the Nebraska Commission on Intergovernmental Cooperation; to provide an operative date; and to repeal the original sections, and also sections 29-765, 81-817, 81-818, 81-821 to 81-824, and 83-806, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 301A. Placed on Select File.

LEGISLATIVE BILL 646. Placed on Select File as amended.
E & R amendments to LB 646:
AM5289

1. On page 1, line 3, strike "provide for" and insert "change provisions relating to".

2. On page 2, line 21, strike "the provisions of", show as stricken, and insert "such" and after "sections" insert an underscored period; and in line 22 strike beginning with "72-1101" through the period and show as stricken.

LEGISLATIVE BILL 477. Placed on Select File as amended.
E & R amendments to LB 477:
AM5290

1. In the Standing Committee amendments, AM0604, adopted January 21, 1988:

a. On page 1, line 4, after "of" insert "the back side of"; and

b. On page 2, line 2, after "amounts" insert "as".

2. On page 1, line 1, after the semicolon insert "to amend section 23-1517.02, Revised Statutes Supplement, 1986;"; and in line 4 strike "and" and "an" and strike "date" and insert "dates; and to repeal the original section".

(Signed) Scott Moore, Chairperson

ANNOUNCEMENTS

Mrs. Labedz designates LB 814 as her priority bill.

Mr. Dierks designates LB 103 as his priority bill.

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 1987 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Tri Basin	
Catherland Reclamation District	2,000.00
Anderson, Strasburger, Klein, etc.	325.00

REPORT

Received report from Nebraska Public Employees Retirement Systems of Actuarial Valuation from the following retirement systems:
Nebraska School Retirement System, Nebraska State Patrolmen's Retirement System, Nebraska Judges' Retirement System, Nebraska State Employees Retirement System, and Nebraska County Employees Retirement System.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Peterson asked unanimous consent to have his name added as co-introducer to LB 1143. No objections. So ordered.

Mr. Weihing asked unanimous consent to have his name added as co-introducer to LB 1132. No objections. So ordered.

ANNOUNCEMENT

Mr. Withem announced the Education Committee will hold a confirmation hearing in Room 2102 at 1:00 p.m. this afternoon, Friday, January 22, 1988.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 1118 Friday, January 29, 1988 3:00 p.m.

(Signed) Jerome Warner, Chairperson

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 857. Placed on General File.

(Signed) Howard Lamb, Chairperson

MOTION - Approve Appointments

Mr. Baack moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Secretary of State appointment found in the Journal on page 446: Robert W. Sim - Accountability and Disclosure Commission.

Voting in the affirmative, 28:

Abboud	Campbell	Hartnett	Lamb	Schmit
Baack	Chizek	Hefner	Langford	Scofield
Barrett	Coordsen	Johnson, L.	Miller	Warner
Bernard-Stevens	Dierks	Johnson, R.	Moore	Wehrbein
Beyer	Goodrich	Johnson, V.	Peterson	Weihing
	Hannibal	Korshoj	Remmers	

Voting in the negative, 0.

Present and not voting, 5:

Elmer	Lynch	Marsh	McFarland	Rogers

Excused and not voting, 16:

Ashford	Hall	Labedz	Nelson	Smith
Chambers	Higgins	Landis	Pirsch	Wesely
Conway	Johanns	Morehead	Schellpeper	Withem
Haberman				

The appointment was confirmed with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 413: Dayle E. Williamson - Director of Natural Resources Commission.

Voting in the affirmative, 26:

Abboud	Campbell	Hannibal	Lamb	Schmit
Baack	Chizek	Hartnett	Langford	Scofield
Barrett	Coordsen	Hefner	Miller	Warner
Bernard-Stevens	Dierks	Johnson, L.	Remmers	Wehrbein
	Elmer	Johnson, V.	Schellpeper	Weihing
Beyer	Goodrich			

Voting in the negative, 0.

Present and not voting, 8:

Johnson, R.	Lynch	McFarland	Peterson	Rogers
Korshoj	Marsh	Moore		

Excused and not voting, 15:

Ashford	Haberman	Johanns	Morehead	Smith
Chambers	Hall	Labedz	Nelson	Wesely
Conway	Higgins	Landis	Pirsch	Withem

The appointment was confirmed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 267. Read. Considered.

LR 267 was adopted with 41 ayes, 0 nays, and 8 not voting.

MOTION - Withdraw LB 843

Mr. V. Johnson renewed his pending motion found in the Journal on page 419 to withdraw LB 843.

The motion prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 550. E & R amendments, AM5258, found in the Journal on page 344 for the Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 788. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 789. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 790. E & R amendments, AM5263, found in the Journal on page 357 for the Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 791. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 792. E & R amendment, AM5260, found in the Journal on page 361 for the Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 793. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 794. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 795. E & R amendments, AM5264, found in the Journal on page 361 for the Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 796. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 797. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 798. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 799. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 800. E & R amendments, AM5261, found in the Journal on page 362 for the Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 801. E & R amendments, AM5262, found in the Journal on page 362 for the Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 802. E & R amendments, AM5278, found in the Journal on page 371 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 803. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 804. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 805. E & R amendment, AM5265, found in the Journal on page 373 for the Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 806. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 807. E & R amendments, AM5266, found in the Journal on page 373 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 808. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 809. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 810. E & R amendments, AM5267, found in the Journal on page 373 for the Ninth Day were adopted.

Mrs. Labedz renewed her pending amendment, AM1677, found in the Journal on page 412.

The Labedz amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 811. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 812. E & R amendment, AM5268, found in the Journal on page 374 for the Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 813. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 927. E & R amendments, AM5269, found in the Journal on page 374 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 181. Messrs. Moore and Schmit asked unanimous consent to bracket until March 1, 1988. No objections. So ordered.

LEGISLATIVE BILL 249. E & R amendments, AM5275, found in the Journal on page 376 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 666. E & R amendments, AM5279, found in the Journal on page 376 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 372. E & R amendments, AM5276, found in the Journal on page 377 for the Ninth Day were adopted.

Mr. Conway offered the following amendment:
AM1722

1. On page 3, strike beginning with "biological" in line 24 through line 25 and all amendments thereto and insert "relinquishing biological parent, or parents if both are available, in which it is affirmed that, pursuant to section 3 of this act, prior to the relinquishment of the child for adoption, the relinquishing parent was, or parents if both are available were,".

2. On page 4, strike beginning with "section" in line 1 through "were" in line 3 and all amendments thereto; and in line 19 strike ", if available,".

The Conway amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 372A. E & R amendments, AM5277, found in the Journal on page 377 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 594. E & R amendments, AM5281, found in the Journal on page 398 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 705. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 537. E & R amendments, AM5283, found in the Journal on page 399 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 429. E & R amendments, AM5280, found in the Journal on page 399 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 273. E & R amendments, AM5282, found in the Journal on page 399 for the Ninth Day were adopted.

Mrs. Pirsch offered the following amendment:

1. On page 28, line 6, after "substance" insert ", except that this subsection shall not apply to law enforcement officials, practitioners, or attorneys in the performance of their official lawful duties."

The Pirsch amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 273A. E & R amendments, AM5284, found in the Journal on page 402 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 625. E & R amendment, AM5285, found in the Journal on page 403 for the Ninth Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 673. Title read. Considered.

Mr. Chambers renewed his pending amendment, AM1609, found in the Journal on page 274.

The Chambers amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, and 24 present and not voting.

LEGISLATIVE BILL 673A. Title read. Considered.

Mr. Chambers offered the following amendment:
AM1571

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby appropriated (1) $31,140 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $29,140 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Department of Correctional Services, for Program 360, to aid in carrying out the provisions of Legislative Bill 673, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $25,340 for the period July 1, 1988, to June 30, 1989, nor $25,340 for the period July 1, 1989, to June 30, 1990.

Sec. 2. There is hereby appropriated (1) $15,000 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $15,000 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Attorney General, for Program 507, to aid in carrying out the provisions of Legislative Bill 673, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $11,745 for the period July 1, 1988, to June 30, 1989, nor $11,745 for the period July 1, 1989, to June 30, 1990.".

The Chambers amendment was adopted with 25 ayes, 0 nays, and 24 present and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, and 23 present and not voting.

Mr. Weihing asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 1004. Placed on General File as amended.
Standing Committee amendments to LB 1004:
AM1678

1. On page 3, strike beginning with "In" in line 22 through line 25 and show as stricken.

2. On page 4, strike lines 1 through 15 and show as stricken.

3. On pages 17 and 18 strike the new matter.

4. On page 17, after line 14, insert the following new subsection:

"(11) In lieu of registration under subsections (1) to (9) of this section, a trip permit for any nonresident truck, truck-tractor, bus or truck, or truck-tractor combination shall be purchased. Such permit shall be valid for (a) a single trip across or through Nebraska and (b) not longer than seventy-two hours. The fee for such permit shall be twenty-five dollars for each vehicle or combination of vehicles. Such permit shall be available at weighing stations

operated by the carrier enforcement division and at various vendor stations as determined appropriate by the carrier enforcement division. The carrier enforcement division shall act as an agent for the Department of Motor Vehicles in collecting such fees and shall remit all such fees collected to the State Treasurer who shall place such money in the Highway Cash Fund. Trip permits shall be obtained at the first available location whether that is a weighing station or a vendor station. The vendor stations shall be entitled to collect and retain an additional fee of ten percent of the fee collected pursuant to this subsection as reimbursement for the clerical work of issuing the permits.".

LEGISLATIVE BILL 1009. Placed on General File as amended.
Standing Committee amendments to LB 1009:
AM1685

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 5, strike beginning with "execute" in line 9 through "release" in line 10, show as stricken, and insert an underscored comma; strike beginning with the period in line 11 through "also" in line 13, show as stricken, and insert an underscored comma; and in line 14 strike "same", show as stricken, and insert "the lien".

(Signed) Howard Lamb, Chairperson

Urban Affairs

LEGISLATIVE BILL 975. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

NOTICE OF COMMITTEE HEARINGS
General Affairs

LB 1089	Monday, February 1, 1988	1:30 p.m.
LB 851	Monday, February 1, 1988	1:30 p.m.
LB 852	Monday, February 1, 1988	1:30 p.m.
LB 944	Monday, February 1, 1988	1:30 p.m.

LB 945	Monday, February 1, 1988	1:30 p.m.
LB 1177	Monday, February 1, 1988	1:30 p.m.

(Signed) Patricia S. Morehead, Chairperson

Education

LB 905	Monday, February 1, 1988	1:30 p.m.
LB 1117	Monday, February 1, 1988	1:30 p.m.
LB 970	Monday, February 1, 1988	1:30 p.m.
LB 1124	Monday, February 1, 1988	1:30 p.m.
LB 1132	Monday, February 1, 1988	1:30 p.m.
LB 1116	Tuesday, February 2, 1988	1:30 p.m.
LB 1081	Tuesday, February 2, 1988	1:30 p.m.
LB 1139	Tuesday, February 2, 1988	1:30 p.m.
LB 1077	Tuesday, February 2, 1988	1:30 p.m.

(Signed) Ron Withem, Chairperson

Natural Resources

LB 817	Friday, January 29, 1988 (rehearing)	1:30 p.m.
LB 1113	Friday, January 29, 1988	1:30 p.m.

(Signed) Loran Schmit, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1029A. Introduced by Moore, 24th District; Marsh, 29th District; R. Johnson, 34th District; Schmit, 23rd District; V. Johnson, 8th District; Abboud, 12th District; Labedz, 5th District; Hartnett, 45th District; Higgins, 9th District; Lynch, 13th District; Korshoj, 16th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1029, Ninetieth Legislature, Second Session, 1988; to eliminate an appropriation; to repeal Laws 1987, LB 218A; and to declare an emergency.

MOTION - Suspend Rules

Mr. Moore moved to suspend the rules, Rule 5, Section 6(f) and refer LB 1029A to the Appropriations Committee.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1179 through 1231 and legislative resolutions 266, and 268 through 271.

LB	Committee
1179	Transportation
1180	Health and Human Services
1181	Natural Resources
1182	Natural Resources
1183	Revenue
1184	Revenue
1185	Health and Human Services
1186	Judiciary
1187	Agriculture
1188	Health and Human Services
1189	Banking, Commerce and Insurance
1190	Urban Affairs
1191	Revenue
1192	Appropriations
1193	Education
1194	Government, Military and Veterans Affairs
1195	Transportation
1196	Urban Affairs
1197	Education
1198	General Affairs
1199	Judiciary
1200	Education
1201	Revenue
1202	Natural Resources
1203	Government, Military and Veterans Affairs
1204	Appropriations
1205	Government, Military and Veterans Affairs
1206	Government, Military and Veterans Affairs
1207	Revenue
1208	Transportation
1209	Banking, Commerce and Insurance

1210	Education
1211	Urban Affairs
1212	Business and Labor
1213	Government, Military and Veterans Affairs
1214	General Affairs
1215	Government, Military and Veterans Affairs
1216	Education
1217	Natural Resources
1218	Education
1219	Government, Military and Veterans Affairs
1220	Banking, Commerce and Insurance
1221	Judiciary
1222	General Affairs
1223	Judiciary
1224	Health and Human Services
1225	Education
1226	Government, Military and Veterans Affairs
1227	Health and Human Services
1228	Agriculture
1229	Natural Resources
1230	Appropriations
1231	Government, Military and Veterans Affairs

LR	**Committee**
266	Appropriations
268	Education
269	Education
270	Agriculture
271	Agriculture

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 21, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Apking, Wm. T. - Lincoln, Association of Nebraska Schools
Ayres, Joseph Warren - Lincoln (Withdrawn 88/01/19), DeCamp Legal Services, P.C. (Withdrawn 88/01/19)
Bligh, Robert A. - Lincoln, Nebraska Association of School Boards
Boehmer, Edwin C. - Omaha, Cornhusker Casualty Company
Boyle, Mike - Omaha, Erickson & Sederstrom, P.C.
Clark, Janet E. - Lincoln, Vickers, Tom
Erickson & Sederstrom
    Davis, Joel - Omaha, United AG Cooperative, Inc.
    Thones, Charles - Lincoln (Withdrawn 88/01/18), Hundahl, John C. (Withdrawn 88/01/18)
Hallstrom, Robert J. - Lincoln, Nebraska Medical Records Association
Hoskyns, Susan Patricia - Lincoln, Nebraska Coalition for Life
Kaplan, Howard - Omaha, Erickson & Sederstrom, P.C.
Lombardi, Richard/American Communications Group
    Lombardi, Richard A. - Lincoln, Nebraska Academy of Physician Assistants; Nebraska Association of Retarded Citizens
McHenry & Watson
    Evans, John - Lincoln, Community Refuse Disposal, Inc.
Nelson, Nette - Lincoln, Nebraska Research and Development Authority
Noren, Charles F. - Hickman, Nebraska Constables Assoc.; NAFTA
Noren, Tom - Lincoln, Noren, Charles F.

GENERAL FILE

LEGISLATIVE BILL 445. Title read. Considered.

Standing Committee amendment, AM0655, found in the Journal on page 1214 for the Forty-Seventh Day, First Session, 1987, was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 674. Title read. Considered.

Mr. Chambers offered the following amendment:
Page 2, line 2 and 3 strike "after the effective date of this act".

MR. HANNIBAL PRESIDING

The Chambers amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 30 ayes, 1 nay, 17 present and not voting, and 1 excused and not voting.

SPEAKER BARRETT PRESIDING

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 670. Title read. Considered.

Standing Committee amendments, AM0697, found in the Journal on page 1228 for the Forty-Eighth Day, First Session, 1987, were adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 435. Title read. Considered.

Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 350. Title read. Considered.

Standing Committee amendments, AM0685, found in the Journal on page 1254 for the Forty-Eighth Day, First Session, 1987, 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 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 350A. Title read. Considered.

Mr. Lynch offered the following amendment:
AM1617

1. Strike the original section and insert the following new section:

"Section 1. There is hereby appropriated (1) $24,502 from the Bureau of Examining Boards' Cash Fund for the period July 1, 1988, to June 30, 1989, and (2) $16,296 from the Bureau of Examining Boards' Cash Fund for the period July 1, 1989, to June 30, 1990, to the Department of Health, for Program 178, to aid in carrying out the provisions of Legislative Bill 350, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $15,627 for the period July 1, 1988, to June 30, 1989, nor $16,096 for the period July 1, 1989, to June 30, 1990.".

The Lynch amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 856. Placed on General File.
LEGISLATIVE BILL 858. Placed on General File.
LEGISLATIVE BILL 957. Placed on General File.

LEGISLATIVE BILL 700. Placed on General File as amended.
Standing Committee amendments to LB 700:
AM1548

1. Strike the original sections and insert the following new sections:

"Section 1. That section 44-2403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2403. As used in ~~sections 44-2401 to 44-2418~~ the Nebraska Property and Liability Insurance Guaranty Association Act, unless the context otherwise requires:

(1) Account shall mean any one of the three accounts created by ~~the provisions of~~ section 44-2404;

(2) Director shall mean the Director of Insurance or his or her duly authorized representative;

(3) Association shall mean the Nebraska Property and Liability Insurance Guaranty Association created by ~~the provisions of~~ section 44-2404;

(4)(a) Covered claim shall mean an unpaid claim~~, excluding one for unearned premiums,~~ which has been timely filed with the liquidator as provided for in section 44-127.01~~;~~ and which arises out of and is within the coverage of an insurance policy to which ~~sections 44-2401 to 44-2418 apply~~ the Nebraska Property and Liability Insurance Guaranty Association Act applies issued by a member insurer that becomes insolvent after May 26, 1971, and ~~(a)~~ (i) the claimant or insured is a resident of this state at the time of the insured event~~;~~ or ~~(b)~~ (ii) the property from which the claim arises is permanently located in this state. Covered claim shall also include the policyholder's unearned premiums paid by the policyholder on an insurance policy to which the act applies issued by a member insurer that becomes insolvent on or after the effective date of this act. Nothing in this section shall be construed to supersede, abrogate, or limit the common law ownership of accounts receivable for earned premium, unearned premium, or unearned commission.

(b) Covered claim shall not include any amount due any reinsurer, insurer, liquidator, insurance pool, or underwriting association, as subrogation recoveries or otherwise, a policy deductible or self-insured portion of the claim, a claim for any premium calculated on a retrospective basis, any premiums subject to adjustment after the date of liquidation, or any amount due an attorney or adjuster as fees for services rendered to the insolvent insurer. Subdivision (4)(b) of this section shall not prevent a person from presenting the excluded claim to the insolvent insurer or its liquidator, but the claim shall not be asserted against any other person, including the person to whom

benefits were paid or the insured of the insolvent insurer, except to the extent that the claim is outside the coverage or is in excess of the limits of the policy issued by the insolvent insurer;

(5) Insolvent insurer shall mean a member insurer licensed to transact the business of insurance in this state, either at the time the policy was issued or when the insured event occurred, and against whom a final order of liquidation, with a finding of insolvency, has been entered by a court of competent jurisdiction in the company's state of domicile after September 2, 1977;

(6) Member insurer shall mean any person licensed to write any kind of insurance to which ~~sections 44-2401 to 44-2418 apply~~ the Nebraska Property and Liability Insurance Guaranty Association Act applies by the provisions of section 44-2402, including the exchange of reciprocal or interinsurance contracts, that is licensed to transact insurance in this state, except assessment associations operating under ~~the provisions of~~ Chapter 44, article 8, and also excepting unincorporated mutuals;

(7) Net direct written premiums shall mean direct gross premiums written in this state on insurance policies to which ~~sections 44-2401 to 44-2418 apply~~ the Nebraska Property and Liability Insurance Guaranty Association Act applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. Net direct written premiums shall not include premiums on contracts between insurers or reinsurers;

(8) Person shall mean any individual, corporation, partnership, association, voluntary organization, or reciprocal insurance exchange; and

(9) Insurance shall mean those contracts defined in section 44-102.

Sec. 2. That section 44-2406, Revised Statutes Supplement, 1986, be amended to read as follows:

44-2406. (1) The association shall be obligated only to the extent of the covered claims existing prior to the date a member company becomes an insolvent insurer or arising within thirty days after it has been determined that the insurer is an insolvent

insurer, ~~or~~ before the policy expiration date if less than thirty days after such determination, or before the insured replaces the policy or on request effects cancellation, if he or she does so within thirty days of such dates, but such obligation shall include only that amount of each covered claim which is in excess of one hundred dollars and is less than three hundred thousand dollars, except that the association shall pay the amount required by law on any covered claim arising out of a workers' compensation policy. In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the face amount of the policy from which the claim arises. The association shall be obligated on covered claims, including those under a workers' compensation policy, for unearned premiums only for that amount of each covered claim which is in excess of one hundred dollars and is less than ten thousand dollars per policy.

(2) The director shall transmit to the association all covered claims timely filed with him or her pursuant to sections 44-127.01 to 44-127.05. The association shall thereupon be considered to have been designated the director's representative pursuant to section 44-127.07, and it shall proceed to investigate, hear, settle, and determine such claims unless the claimant shall, within thirty days from the date the claim is filed with the director, file with the director a written demand that the claim be processed in the liquidation proceedings as a claim not covered by the Nebraska Property and Liability Insurance Guaranty Association Act. In regard to those claims transmitted to the association by the director, the association and claimants shall have all of the rights and obligations~~,~~ and be subject to the same limitations and procedures~~,~~ as are specified in sections 44-127.05 to 44-127.11 for the determination of claims.

(3) In the case of claims arising from bodily injury, sickness, or disease, including death resulting therefrom, the amount of any such award shall not exceed the claimant's reasonable expenses incurred for necessary medical, surgical, X-ray, and dental services, including prosthetic devices and necessary ambulance, hospital, professional nursing, and funeral services, and any amounts actually lost by reason of claimant's

inability to work and earn wages or salary or their equivalent, but not other income, that would otherwise have been earned in the normal course of such injured claimant's employment. Such award may also include payments in fact made to others, not members of claimant's household, which were reasonably incurred to obtain from such other persons ordinary and necessary services for the production of income in lieu of those services the claimant would have performed for himself or herself had he or she not been injured. The amount of any such award under this subsection shall be reduced by the amount the claimant is entitled to receive as the beneficiary under any health, accident, or disability insurance, or under any salary or wage continuation program under which he or she is entitled to benefits, or from his or her employer in the form of workers' compensation benefits, or any other such benefits to which the claimant is legally entitled, and any claimant who intentionally fails to correctly disclose his or her rights to any such benefits shall forfeit all rights which he or she may have by the provisions of the Nebraska Property and Liability Insurance Guaranty Association Act.

(4) A third party having a covered claim against any insured of an insolvent member insurer may file such claim with the director pursuant to sections 44-127.01 to 44-127.05, and the association shall process such claim in the manner specified in subsections (2) and (3) of this section. The filing of such claim shall constitute an unconditional general release of all liability of such insured in connection with the claim~~,~~ unless the association thereafter denies the claim for the reason that the insurance policy issued by the insolvent member company does not afford coverage~~,~~ or unless the claimant~~,~~ ~~shall,~~ within thirty days from the date of filing his or her claim with the director, ~~file~~ files with the director a written demand that the claim be processed in the liquidation proceedings as a claim not covered by the Nebraska Property and Liability Insurance Guaranty Association Act.

Sec. 3. That original section 44-2403, Reissue Revised Statutes of Nebraska, 1943, and section 44-2406, Revised Statutes Supplement, 1986, are

repealed.".

LEGISLATIVE BILL 919. Placed on General File as amended.
Standing Committee amendments to LB 919:
AM1703

1. Insert the following new section:

"Section 1. That section 44-4303, Revised Statutes Supplement, 1987, be amended to read as follows:

44-4303. As used in the Intergovernmental Risk Management Act, unless the context otherwise requires:

(1) Errors and omissions liability shall mean liability to which a member of a governing body of a public agency, an elected or appointed officer of a public agency, or an employee of a public agency may be subject in an individual capacity by reason of any error, misstatement, misleading statement, act, omission, neglect of duty, or breach of duty, including misfeasance or nonfeasance, in the performance of duties for the public agency;

(2) General liability shall mean any liability, other than workers' compensation liability, to which a public agency may be subject (a) directly, (b) by reason of liability arising out of an act or omission of its employee, agent, or officer in the course and scope of employment, (c) by reason of liability arising out of an act or omission of its student in the course and scope of education or training, or (d) by reason of liability it has assumed by contract. It shall include, but not be limited to, liability commonly protected against by casualty insurance, general liability insurance, professional liability insurance, automobile insurance, motor vehicle liability insurance, and surety and fidelity insurance;

(3) Group self-insurance shall mean the pooling of public money by a risk management pool from contributions by its members for the purpose of payment of losses incurred by members which are protected against by the pool;

(4) Member shall mean a public agency which is a party to an agreement providing for the establishment and operation of a risk management pool;

(5) Public agency shall mean any county, city,

village, school district, public power district, rural fire district, or other political subdivision of this state, the State of Nebraska, the University of Nebraska, and any corporation whose primary function is to act as an instrumentality or agency of the State of Nebraska;

(6) Risk management pool or pool shall mean an association formed by two or more public agencies by an agreement pursuant to the Intergovernmental Risk Management Act providing for joint and cooperative action in the use of their financial or administrative resources in order to accomplish any of the public and governmental purposes authorized by the act;

(7) Standard insurance shall mean any policy of insurance issued by a company ~~authorized~~ licensed to transact insurance business in the State of Nebraska or any policy of insurance issued in accordance with the requirements for a lawful surplus lines insurance transaction;

(8) State of Nebraska shall include any department, agency, board, bureau, commission, or council of the State of Nebraska authorized to participate in a risk management pool by the Risk Manager pursuant to section 81-8,239.01; and

(9) Workers' compensation liability shall mean liability to which a public agency may be subject as an employer under the Nebraska Workers' Compensation Act.".

2. On page 2, reinstate the stricken matter beginning with "prevailing" in line 17 through "of" in line 19; and in line 22 reinstate the stricken "other".

3. On page 3, line 23, after "sections" insert "44-4303," and after "44-4313" insert a comma.

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 943. Placed on General File as amended.
Standing Committee amendment to LB 943:
AM1702

1. On page 22, line 12, strike "one" and insert "two" and strike "fifty".

(Signed) R. W. Remmers, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 128. Placed on Select File as amended.
E & R amendments to LB 128:
AM5291

1. Because of the amendment of section 2-953 by Laws 1987, LB 1, section 1, and Laws 1987, LB 138, section 3, strike section 1 and insert the following new section:

"Section 1. That section 2-953, Revised Statutes Supplement, 1987, be amended to read as follows:

2-953. As used in sections 2-952 to 2-963, unless the context otherwise requires:

(1) Person shall mean any individual, partnership, firm, corporation, company, society, association, the state or any department, agency, or subdivision thereof, or any other public or private entity;

(2) Control, controlled, or controlling shall mean being in charge of or being in possession, whether as owner, lessee, renter, or tenant, under statutory authority, or otherwise;

(3) County board shall mean the county board of commissioners or supervisors;

(4) Noxious weeds shall mean and include Canada Thistle (Circum arvense (L.) Scop.), Leafy Spurge (Euphorbia esula (L.)), Musk Thistle (Carduus nutans Sub Species Leiophyllus (Petrovic) Stoj. and Stef), and Plumeless Thistle (Carduus acanthoides, (L));

(5) Control authority shall mean the county weed district board, which shall represent all rural areas and cities, villages, and townships within the county boundaries; and

(6) Director shall mean the Director of Agriculture or his or her designated representative.

The county board may, following an election in which a majority of the votes cast are in favor of such action, function as and exercise the authority and carry out the duties of the county weed district board. To initiate such an election, the county board may, by resolution, require the county clerk of such county to have placed upon the ballot at the election next following such resolution, the question, Shall the

county weed district board be dissolved and its duties and authority be exercised by the county board?

Yes .... No ....

If a majority of the votes cast on this question are opposed to dissolution of the county weed district board, the county shall remain subject to the direction and authority of the elected county weed district board. If a majority of the votes cast on this question are in favor of the dissolution of the county weed district board, the county board shall function as and exercise the authority and carry out the duties of the county weed district board. If, at any time following the dissolution of the county weed district board, county residents, representing at least ten percent of the votes cast in the preceding general election in such county, submit a petition to the county clerk for reestablishment of the county weed district board as an independent elected body, the clerk shall place the following question on the next general election ballot: Shall the county weed district board be reestablished and elected independent of other county officials?

Yes .... No ....

If a majority of the ballots favor reestablishment of the independent board, the county board shall appoint an initial county weed district board and thereafter the county weed district board members shall be elected in conformity with this section.

When the county board does not function as the county weed district board, such board shall be composed of five members, three of whom shall be from rural areas and two of whom shall be from cities, villages, or townships. The county board shall appoint members to fill any vacancy occurring on the county weed district board. The two members from cities, villages, or townships shall thereafter be elected at the general election in 1966 and each four years thereafter, and the three members from rural areas shall be elected at the general election in 1968 and each four years thereafter. Persons seeking election to the county weed district board shall be nominated and elected regardless of political affiliation. They shall file in the ~~same~~ manner ~~as is~~ provided by ~~law for county superintendents~~

section 32-535 and shall not be required to pay a filing fee. The members of the county weed district board shall be paid a per diem of not less than twelve dollars for each day actually and necessarily engaged in the performance of their official duties as members of such board and shall be allowed mileage reimbursement on the same basis as provided in section 23-1112 for county officers and employees. The chairperson of the county board may appoint one additional member from the county board to serve as an ex officio member of the county weed district board to provide coordination between such boards, except that the county board member or commissioner so appointed shall not be entitled to the expense reimbursement allowed county weed district board members. The ex officio member shall possess the same authority as other members, including the right to vote.".

2. On page 1, line 1, strike "2-953,"; and in line 4 strike the first "and"; in line 5 before the semicolon insert ", and section 2-953, Revised Statutes Supplement, 1987"; and in line 10 after the semicolon insert "to harmonize provisions;".

3. On page 11, line 19, strike "this act", show as stricken, and insert "sections 23-268, 23-1201.01, 23-1301, 23-1501, 23-1601.01, 23-1701, 23-1901.01, and 29-1804".

4. On page 13, line 3, after "for" insert "the Board of"; and in line 9 after "of" insert "a".

5. On page 14, line 25; and page 15, line 15, strike "control authority" and insert "district".

6. On page 15, line 5, strike the second "the" and show as stricken; and in line 14 after "districts" insert an underscored comma.

7. On page 17, line 13, strike the comma and show as stricken; and in line 23 strike the comma.

8. On page 18, line 11, strike "must hereafter", show as stricken, and insert "shall"; and in line 12 strike "shall qualify", show as stricken, and insert "qualifies".

9. On page 19, line 21, strike "shall become", show as stricken, and insert "becomes".

10. On page 21, line 5, strike "2-953,"; in line 7 strike "and"; and in line 8 after the last comma insert "and section 2-953, Revised Statutes Supplement,

1987,".

LEGISLATIVE BILL 370. Placed on Select File as amended.
E & R amendments to LB 370:
AM5292

1. Because of the amendment of section 29-2709 by Laws 1987, LB 665, section 2, strike original section 10 and insert the following new section:

"Sec. 10. That section 29-2709, Revised Statutes Supplement, 1987, be amended to read as follows:

29-2709. When any costs in misdemeanor, traffic, or juvenile cases in county court are found by a county judge to be uncollectible for any reason, including the dismissal of the case, the judge, in his or her discretion, may enter an order waiving such portion of the costs as by law would be paid over by the court to the State Treasurer. ~~for deposit in the General Fund.~~ In all cases brought by or with the consent of the county attorney, all such uncollectible costs not waived shall be certified by the clerk of the court to the county clerk, who shall present the bills therefor to the county board. The county board shall pay from the county general fund all such bills found by the board to be lawful. In all cases brought under city or village ordinance, all such uncollectible costs not waived shall be certified to the appropriate city or village officer authorized to receive claims, who shall present the bills therefor to the governing body of the city or village in the same manner as other claims. Such governing body shall pay from the general fund of the city or village all such bills as are found to be lawful.".

2. On page 1, line 3, strike "29-2709,"; in line 5 strike "and"; in line 7 after "1986" insert ", and section 29-2709, Revised Statutes Supplement, 1987"; and in line 13 after the first semicolon insert "to change the amount of a credit;".

3. On page 3, line 22, strike the comma, show as stricken, and insert "by"; and in line 23 strike ", by", show as stricken, and insert "from".

4. On page 6, line 24, strike "wherein", show as stricken, and insert "in which".

5. On page 7, line 13, strike "whereby", show

as stricken, and insert "by which".

6. On page 8, line 1; and page 9, line 12, strike "shall be", show as stricken, and insert "is".

7. On page 9, line 15; page 10, line 18; and page 11, line 4, strike the comma and show as stricken.

8. On page 10, line 19, strike "the provisions of" and show as stricken.

9. On page 12, line 23, strike "herein" and show as stricken and after "allowed" insert "in this section".

10. On page 13, line 18, strike "herein", show as stricken, and insert "in this section".

11. On page 14, line 3, strike "shall" and show as stricken.

12. On page 16, line 21, after "by" insert "the".

13. On page 17, line 11, reinstate the stricken "of".

14. On page 18, line 3, strike "29-2709,"; in line 5 strike "and"; and in line 7 after the second comma insert "and section 29-2709, Revised Statutes Supplement, 1987,".

LEGISLATIVE BILL 676. Placed on Select File as amended.
E & R amendments to LB 676:
AM5293

1. On page 2, in lines 5 and 6, strike the comma; in line 6 after "officer" insert "or detention personnel"; in line 10 strike "shall be" and insert "is"; and in line 11 strike the second and third commas.

2. On page 3, line 7, strike "therein" and show as stricken; in line 15 strike the comma; and in line 16 strike both commas.

(Signed) Scott Moore, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 1080	Friday, January 29, 1988	1:30 p.m.
LB 1174	Friday, January 29, 1988	1:30 p.m.
LB 1136	Friday, January 29, 1988	1:30 p.m.

(Signed) Dennis Baack, Chairperson

Banking, Commerce and Insurance

LB 886	Monday, February 1, 1988	1:30 p.m.
LB 938	Monday, February 1, 1988	1:30 p.m.
LB 1110	Monday, February 1, 1988	1:30 p.m.
LB 1157	Monday, February 1, 1988	1:30 p.m.
LB 1057	Tuesday, February 2, 1988	1:30 p.m.
LB 1075	Tuesday, February 2, 1988	1:30 p.m.
LB 1114	Tuesday, February 2, 1988	1:30 p.m.
LB 1137	Tuesday, February 2, 1988	1:30 p.m.

(Signed) R. W. Remmers, Chairperson

Business and Labor

LB 1034	Monday, February 1, 1988	1:30 p.m.
LB 868	Monday, February 1, 1988	1:30 p.m.
LB 1146	Monday, February 1, 1988	1:30 p.m.
LB 1069	Monday, February 1, 1988	1:30 p.m.
LB 875	Monday, February 1, 1988	1:30 p.m.
LB 1036	Monday, February 8, 1988	1:30 p.m.
LB 1096	Monday, February 8, 1988	1:30 p.m.
LB 1099	Monday, February 8, 1988	1:30 p.m.
LB 1130	Monday, February 8, 1988	1:30 p.m.
LB 942	Monday, February 8, 1988	1:30 p.m.

Governor Appointment Monday, February 22, 1988 1:30 p.m.
John Peetz, III - Comm. of Industrial Relations

LB 1212	Monday, February 22, 1988	1:30 p.m.
LB 1119	Monday, February 22, 1988	1:30 p.m.

(Signed) Timothy Hall, Chairperson

Nebraska Retirement Systems

Governor Appointments Thursday, January 28, 1988 12:00 noon
James D. Murphy - Public Employees Retirement Board
Ron Saalfeld - Public Employees Retirement Board

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz and Mr. Hall asked unanimous consent to print the following amendment to LB 517 in the Journal. No objections. So ordered.

AM1651

1. On page 5, strike beginning with "Adolescent" in line 23 through "(b)" in line 25.

2. On page 6, line 5, strike "(c)" and insert "(b)"; in line 6 strike "(d)" and insert "(c)"; and in line 8 strike "(e)" and insert "(d)"; in line 12 strike "or dispensing contraceptives in" and insert "contraceptives;

(b) Dispensing, counseling for, or referring for contraceptives or birth control information in"; in line 14 strike "(b)" and insert "(c)", after "abortions" insert ", making referrals for abortions, or counseling for abortions", and strike "and"; in line 15 strike "(c)" and insert "(d)"; and in line 16 after "campaign" insert "; and

(e) Establishing or operating adolescent health clinics located in schools".

Mr. Elmer asked unanimous consent to print the following amendment to LB 557 in the Journal. No objections. So ordered.

To amend AM1686

On page 4, line 15 - strike line 15 and insert new line 15 to read "And the marketing, distribution or sale of"

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 517A in the Journal. No objections. So ordered.

AM1621

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $139,843 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $138,260 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 517, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $67,168 for the period July 1, 1988, to June 30, 1989, nor $69,183 for the period July 1, 1989, to June 30, 1990.

Sec. 2. There is hereby appropriated (1) $500,000 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $500,000 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Department of Health, for Program 514, to aid in carrying out the provisions of Legislative Bill 517, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 229A in the Journal. No objections. So ordered.

AM1639

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. There is hereby appropriated (1) $45,336 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $40,733 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 229, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $24,535 for the period July 1, 1988, to June 30, 1989, nor $25,469 for the period July 1, 1989, to June 30, 1990.

Sec. 2. There is hereby appropriated (1) $100,000 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $400,000 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Department of Health, for Program 514, to aid in carrying out the provisions of Legislative Bill 229, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 518A in the Journal. No objections. So ordered.

AM1622

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $25,899 from the General Fund and $25,898 from Federal Funds for the period July 1, 1988, to June 30, 1989, and (2) $39,851 from the General Fund and $39,850 from Federal Funds for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 518, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $37,476 for the period July 1, 1988, to June 30, 1989, nor $77,201 for the period July 1, 1989, to June 30, 1990.

Sec. 2. There is hereby appropriated (1) $3,036,127 from the General Fund and $4,130,393 from the Federal Funds for the period July 1, 1988, to June 30, 1989, and (2) $6,072,254 from the General Fund and $8,260,786 from Federal Funds for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 347, to aid in carrying out the provisions of Legislative Bill 518, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 3. There is hereby appropriated (1) $492,115 from the General Fund and $744,665 from Federal Funds for the period July 1, 1988, to June 30, 1989, and (2) $1,015,266 from the General Fund and $1,536,294 from Federal Funds for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 348, to aid in carrying out the provisions of Legislative Bill 518, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made

19 from funds appropriated in this section.".

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Hefner asked unanimous consent to have his name withdrawn as co-introducer to LB 1084. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 705. No objections. So ordered.

Mr. Dierks asked unanimous consent to have his name added as co-introducer to LB 895. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mrs. C. J. Olson and Mrs. Rosemary Reeves from Omaha; 20 members of the Nebraska Medical Auxiliary; 6 students and teacher from Burchcrest School, Bellevue; and Mr. and Mrs. Larry Mansel from Kearney.

ADJOURNMENT

At 11:59 a.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:00 a.m., Monday, January 25, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 25, 1988

LEGISLATIVE JOURNAL

TWELFTH DAY - JANUARY 25, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 25, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Don Hunziger, Christ Lutheran Church, Davenport, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Schellpeper, Mesdames Higgins, and Johanns who were excused; and Messrs. Ashford, Chambers, Conway, Haberman, R. Johnson, Lynch, Schmit, Warner, Mesdames Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 953. Placed on General File.

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Hugh W. Williams - Environmental Control Council

Vote: Aye: Senators Schmit, Elmer, Rod Johnson, Hall, Lamb, and Weihing. Absent: Senators Johanns and Labedz.

Dan T. Drain - Environmental Control Council

Vote: Aye: Senators Schmit, Elmer, Hall, Lamb, and Weihing. Nay: Senator Rod Johnson. Absent: Senators Johanns and Labedz.

Dennis Grams - Director, Department of Environmental Control

Vote: Aye: Senators Schmit, Elmer, Rod Johnson, Hall, Lamb, and Weihing. Absent: Senators Johanns and Labedz.

(Signed) Loran Schmit, 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 1987 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Middle Niobrara	None

NOTICE OF COMMITTEE HEARING
Appropriations

February 1, 1988 (Cancelled) 1:30 p.m.
Agency 48 - Postsecondary Education Coordinating Commission

(Signed) Lowell Johnson, Vice Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 267.

MESSAGE FROM THE GOVERNOR

January 14, 1988

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

Appointee: Dr. Joe L. Williams, 1721 Stone Street, Falls City, NE 68355, Work: #245-2616.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

MOTION - Suspend Rules

Mr. Moore renewed his pending motion found in the Journal on page 460 to suspend the rules, Rule 5, Section 6(f) and refer LB 1029A to the Appropriations Committee.

The Moore motion prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 90. Title read. Considered.

Standing Committee amendments, AM0159, found in the Journal on page 1239 for the Forty-Eighth Day, First Session, 1987, were considered.

Mr. Hall withdrew his pending amendments: (1) AM1602, (2) AM1603, (3) AM1605, and (4) AM1604, found in the Journal on pages 333 and 334.

Mr. Hall offered the following amendment to the Standing Committee amendments:

AM1650

(Amendment to Committee Amendments)

1. On page 3, line 20, after "felony." insert "The defense attorney shall have an opportunity to evaluate the child and rebut the showing of compelling need produced by the prosecuting attorney by having the child examined independently by a psychiatrist.".

2. Insert the following new section:

"Sec. 4. (1) After the initial investigatory contact by authorities at the scene of the circumstances giving rise to the investigation, any interview of a child by any law enforcement personnel, the prosecuting attorney, or any other person, in the attempt to develop further the child's memory regarding testimony for the trial describing the sexual offense shall be videotaped or voicetaped.

(2) If the prosecuting attorney elects to use the procedures described in section 3 of this act, the court shall be furnished under seal all original or duplicate videotapes or voicetapes and shall examine each in camera to determine whether the taping requirements of section 3 of this act have been substantially complied with.

(3) If such videotaping or voicetaping requirements have not been substantially complied with, the child's testimony otherwise allowed by section 3 of this act shall not be admissible at the trial.

(4) If the court determines that such requirements have been substantially complied with and the state intends to use the procedures described in section 3 of this act, the court shall further determine whether any of the videotapes or voicetapes contain relevant exculpatory evidence. The court then may order copies of any part or all of such relevant exculpatory evidence be made available to the defendant before trial.

(5) If the prosecuting attorney elects not to use the procedures described in section 3 of this act and upon motion of the defendant and good cause shown, the court shall require the prosecuting attorney to furnish to the court under seal any such videotapes or voicetapes which were made. The court shall determine

whether the videotapes or voicetapes contain relevant exculpatory evidence. The court may order copies of any such relevant exculpatory evidence be made available to the defendant before trial.

(6) Nothing in this section shall be construed to restrict or alter any privilege available under sections 27-503, 27-504, and 27-506, nor shall this section be construed to exclude any spontaneous utterance described in subdivision (1) of section 27-803.".

3. Renumber the remaining section accordingly.

Mr. Ashford 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 Hall amendment lost with 5 ayes, 21 nays, 17 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LR 7 in the Journal. No objections. So ordered.

AM1723

1. On page 2, line 18, strike "such" and insert "his or her".

Mr. Lynch asked unanimous consent to print the following amendment to LB 693 in the Journal. No objections. So ordered.

AM1656

(Amendments to AM1586)

1. On page 7, line 4, after "board" insert ", except that two years of experience as an administrator of a home for the aged or infirm, nursing home, or domiciliary or residential care facility immediately preceding application for licensure shall be considered equivalent to the requirements prescribed in subdivision (1)(b) of this section".

MOTION - Rerefer LB 1217 to Committee

Mr. R. Johnson moved that LB 1217 be rereferred from the Natural Resources Committee to the Agriculture Committee.

Laid over.

MOTION - Withdraw LB 1168

Mr. Haberman moved to withdraw LB 1168.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 673. Placed on Select File as amended.
E & R amendment to LB 673:
AM5295

1. On page 4, line 20, strike "as provided";
and strike the new matter in line 21 and insert "in accordance with the Administrative Procedure Act".

LEGISLATIVE BILL 673A. Placed on Select File as amended.
E & R amendment to LB 673A:
AM5296

1. On page 1, line 3, strike "First" and
insert "Second" and strike "1987" and insert "1988".

LEGISLATIVE BILL 445. Placed on Select File as amended.
E & R amendments to LB 445:
AM5301

1. In the Standing Committee amendments,
AM0665, adopted January 22, 1988, on page 1, line 10,
strike "1988" and insert "1989".
2. On page 1, line 2, strike "46-1128" and
insert "46-1101"; strike line 3; and in line 4 strike
"sessions" and insert "provide for a ground water
quality monitoring network; to harmonize provisions".

LEGISLATIVE BILL 674. Placed on Select File as amended.
E & R amendment to LB 674:
AM5297

1. On page 1, line 2, strike "and" and insert

a semicolon; and in line 3 after "obligations" insert "for biological fathers as prescribed".

LEGISLATIVE BILL 670. Placed on Select File.

LEGISLATIVE BILL 435. Placed on Select File as amended.
E & R amendments to LB 435:
AM5299

1. Because of the reissuance of Volumes 5 and 5A, Revised Statutes of Nebraska, on page 1, line 2; and page 2, lines 1 to 2 and 24, strike "Revised Statutes Supplement, 1986" and insert "Reissue Revised Statutes of Nebraska, 1943".

2. On page 2, lines 19 and 20, strike all commas.

LEGISLATIVE BILL 350. Placed on Select File as amended.
E & R amendments to LB 350:
AM5300

1. On page 2, line 16, after "license" insert "or permit"; and in line 23 after "section" insert "and section 3 of this act".

2. On page 3, line 8, strike "such".

LEGISLATIVE BILL 350A. Placed on Select File as amended.
E & R amendment to LB 350A:
AM5298

1. On page 1, line 3, strike "First Session, 1987" and insert "Second Session, 1988".

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1010. Placed on General File.

LEGISLATIVE BILL 1011. Placed on General File as amended.
Standing Committee amendment to LB 1011:
AM1720

1. On page 2, line 16, strike "or" and insert "and".

LEGISLATIVE BILL 1012. Placed on General File as amended.

Standing Committee amendments to LB 1012:
AM1721

1. On page 5, line 4, strike "nonresidential records" and insert "epidemiologic data".

2. On page 9, line 17, after the period insert "For purposes of this section, disease, illness, or poisonings shall not be interpreted to include human immunodeficiency virus antibody or antigen testing results except such person shall report statistical summaries of total human immunodeficiency virus tests conducted and the results of such tests. The department shall adopt and promulgate rules and regulations setting the methods, manner, and procedure for such reporting.".

3. On page 12, line 3, reinstate the stricken matter; in line 4 strike "physician-agent"; in line 20 restore the stricken matter and strike "physician-agent"; and in line 25 reinstate the stricken matter.

4. On page 13, line 1, reinstate the stricken matter and strike "physician-agent".

5. On page 15, insert the following new section:

"Sec. 14. 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) Don Wesely, Chairperson

Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Coordinating Commission for Postsecondary Education
Joan R. Burney
Timothy G. Darnauer
Marcia L. Jones
Carol S. Hendrickson

Voting Aye: Senators Withem, Baack, Dierks, V. Johnson, McFarland, Peterson, Chizek, Nelson. Voting Nay: None. Absent: None.

(Signed) Ron Withem, Chairperson

GENERAL FILE

LEGISLATIVE BILL 90. Mr. Hall withdrew his pending amendment, AM1592, found in the Journal on page 226.

Mr. Hall offered the following amendment to the pending Standing Committee amendments:

1. On page 3, line 20, after "felony." insert "The defense attorney shall have an opportunity to evaluate the child and rebut the showing of compelling need produced by the prosecuting attorney by having the child examined independently by a psychiatrist."

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 12 nays, and 19 not voting.

Mr. Hall asked unanimous consent to bracket LB 90 until January 28, 1988.

Mrs. Marsh objected.

Mr. Hall moved to bracket LB 90 until January 28, 1988.

The Hall motion to bracket prevailed with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 111, 117, 180, 191, 305, 305A, 362, 377, 478, 697, and 713.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 117

The following changes, required to be reported for publication in the Journal, have been made:
ER0229

1. On page 1, the matter beginning with "change" in line 4 through "prescribed" in line 5 has been struck and "transfer penalty provisions" inserted.

2. On page 2, line 14, the second comma has been struck.

3. On page 3, line 14, the colon has been struck and shown as stricken; and in line 15 "Predominantly" has been struck, shown as stricken, and "predominantly" inserted.

4. On page 7, line 3, the second comma has been struck and shown as stricken.

5. On page 8, in line 7, the comma has been struck and shown as stricken; and in line 16 the second comma has been struck and shown as stricken.

Enrollment and Review Change to LB 180

The following changes, required to be reported for publication in the Journal, have been made:
ER0222

1. In lieu of the Wesely amendment adopted January 20, 1988, found on page 380 of the Journal:

a. The following new section has been inserted:

"Sec. 2. That section 87-303.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

87-303.08. Any person who violates subdivision (a)(14) of section 87-302 or sections 87-308 to 87-311 and sections 6 and 9 of this act shall be guilty of a Class II misdemeanor except as otherwise provided in such sections. Any person who violates any of the other provisions of section 87-302 or 87-303.01~~, or sections 87-308 to 87-311~~ shall be guilty of a Class III misdemeanor.".

b. On page 9, line 24, ", 87-303.08," has been inserted before "and"; and

c. The remaining sections have been renumbered accordingly.

2. In the Schmit amendment, AM1694, adopted January 20, 1988, section 8 has been renumbered as section 10.

3. In the Wesely amendment, AM1648, adopted January 20, 1988, on page 1, line 5, "5 and 8" has been struck and "6 and 9" inserted.

4. On page 1, the matter beginning with "automatic" in line 1 through "devices" in line 2 has been struck and "telephones" inserted; in line 2 ", 87-303.08," has been inserted before "and"; the matter beginning with "a" in line 4 through "practice" in line 5 has been struck and "automatic dialing-announcing devices; to change a penalty" inserted; and in line 11 "to require the registration of certain devices; to provide a duty for telephone companies;" has been inserted after the semicolon.

Enrollment and Review Change to LB 191

The following changes, required to be reported for publication in the Journal, have been made:
ER0227

1. In the E & R Amendment, AM5251, adopted January 20, 1988, on page 1, line 6, "and" has been inserted after the second semicolon.

Enrollment and Review Change to LB 305

The following changes, required to be reported for publication in the Journal, have been made:
ER0225

1. In lieu of the Wehrbein amendment adopted January 20, 1988, found on page 383 of the Journal:

a. E & R amendment 1 and the Wehrbein amendment adopted January 11, 1988, found on page 259 of the Journal have been struck; and

b. On page 26, the matter beginning with "as" in line 8 through "snowmobile" in line 9 has been struck and "excluding snowmobiles" inserted.

2. In the Beyer amendment, AM1695, adopted January 20, 1988:

a. Section 8 has been renumbered as section 9;

b. On page 1, line 17, the comma has been struck and shown as stricken; and

c. On page 5, line 1, "herein" has been struck and shown as stricken and "for in this section" has been insert after "provided".

3. In the E & R amendment, AM5248:

a. On page 1, line 14, "second" has been struck and "third" inserted;

b. On page 4, line 18, "and" has been struck and after the third comma "and 77-1238," has been inserted; and in line 20 "section" has been struck and "section" inserted and "60-315, and 77-1240.03," has been inserted after the third comma; and

c. On page 5, line 1, "to change a time period for claiming a credit or refund of certain fees and taxes; to redefine a term;" has been inserted after the first semicolon.

4. Renumber the remaining sections accordingly.

Enrollment and Review Change to LB 362

The following changes, required to be reported for publication in the Journal, have been made:

ER0223

1. In the Chizek amendment, AM1657, adopted January 20, 1988, on page 1, line 10, "in line 10 strike 'Has' and insert 'The applicant will reach'; in line 11 strike 'reached' " has been inserted after the semicolon; and in line 11 "10," has been struck.

2. In the E & R amendment, AM5254, adopted January 20, 1988, on page 1, line 4, "is required" has been struck.

3. In the Standing Committee amendments, AM0356, adopted January 12, 1988, on page 1, line 7, "it is necessary for" has been inserted after "which"; and in line 9 "necessary" has been struck.

4. On page 2, line 13, the comma has been struck.

Enrollment and Review Change to LB 377

The following changes, required to be reported for publication in the Journal, have been made:

ER0224

1. On page 1, line 7, "to provide severability;" has been inserted before "and".

Enrollment and Review Change to LB 478

The following changes, required to be reported for publication in the Journal, have been made:

ER0228

1. On page 3, line 2; and page 4, lines 20 and 23, the comma has been struck and shown as stricken.

Enrollment and Review Change to LB 697

The following changes, required to be reported for publication in the Journal, have been made:

ER0226

1. On page 3, line 12, the second comma has been struck.

2. On page 8, line 1, the comma has been struck and shown as stricken.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 1039. Placed on General File as amended.

Standing Committee amendments to LB 1039:
AM1705

1. On page 4, line 22, after "purchases" insert "for sale".

2. On page 7, line 12, after "66-401" insert "and was the importer or first receiver of such fuel in this state".

3. On page 9, line 19, strike "66-428 and", show as stricken, and insert "66-410," and before "each" insert "and 66-477"; and in line 25 after the first comma insert "66-412, 66-428, 66-429,", strike "and", and after the last comma insert "and 66-610.03,".

4. Insert the following new sections:

"Sec. 4. That section 66-412, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-412. No tax shall be collected with respect to motor vehicle fuel imported by barge, barge line, or pipeline, and stored at a barge, barge line, or pipeline terminal in this state, or refined at a refinery in this state and stored thereat until the motor vehicle fuel is withdrawn for sale or use in this state or is loaded at the terminal or refinery into transportation equipment for shipment or delivery to a destination in this state. When motor vehicle fuel is withdrawn or loaded as provided in this section, the importer or the refiner in this state, as the case may be, shall be liable for payment of the motor vehicle fuel tax with respect thereto and subject to the following ~~exemptions: (1)~~ exemption: When motor vehicle fuel is withdrawn or loaded as provided in this section for ~~delivery or shipment to~~ the account of a person licensed as a dealer under section 66-403, such licensed dealer for whose account such fuel is loaded shall be deemed to be the importer or first receiver thereof in this state and shall pay the motor vehicle fuel tax with respect thereto. ~~, and the tax liability shall not be transferred to any other person; (2) when motor vehicle fuel so loaded is for shipment or delivery to a nonlicensed person for the account of a dealer licensed as such under section 66-403, the licensed dealer for whose account delivery to the unlicensed person is made shall be deemed to be the importer or first receiver thereof in this state and shall pay the~~

~~motor vehicle fuel tax with respect thereto, and the tax liability shall not be transferred to any other person.~~ The person, firm, or corporation owning and operating such refinery, barge or barge line terminal, or pipeline terminal shall furnish security as defined in section 66-404~~,~~ in the sum of fifty thousand dollars for each such refinery, barge or barge line terminal, or pipeline terminal within the state, such security running to the Department of Revenue ~~of the State of Nebraska,~~ and conditioned upon the faithful performance of all obligations to the state imposed by law upon ~~said~~ such person, firm, or corporation. Such person, firm, or corporation shall make and file such verified reports of operations within the state as shall be required by the Tax Commissioner. ~~of the State of Nebraska.~~

Sec. 5. That section 66-428, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-428. ~~In addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478, there~~ There is hereby levied and imposed an excise tax of ten and one-half cents per gallon, increased by the amounts imposed or determined under sections 66-473, 66-477, and 66-478, upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under ~~the provisions of~~ section 66-410 or Chapter 66, article 6, except that such excise tax after ~~June 1, 1979~~ July 1, 1985, shall be ~~five~~ three cents per gallon less on motor vehicle fuel containing a minimum of ten percent blend of agricultural ethyl alcohol produced from cereal grains or domestic agricultural commodities whose purity shall be at least ninety-nine percent alcohol, excluding denaturant, than on motor vehicle fuel which does not contain such a blend. ~~Effective July 1, 1985, such excise tax shall be three cents per gallon less on such motor vehicle fuel containing such a blend than on such motor vehicle fuel which does not contain such a blend.~~ Effective January 1, 1993, the excise tax on such motor vehicle fuel containing such a blend shall be the same as that on such motor vehicle fuel which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are

authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

Sec. 6. That section 66-429, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-429. Every person, firm, corporation, or association using motor vehicle fuels subject to taxation on the use thereof under ~~the provisions of~~ sections 66-428 to 66-431 and 66-441, shall pay ~~said~~ the excise ~~tax~~ taxes and make a report concerning the same to the Tax Commissioner in like manner, form, and time as is required by sections 66-409 and 66-410 for dealers in motor vehicle fuels. No such payment of tax or report shall be required if, ~~with the knowledge and consent or at the request of the user of such motor vehicle fuels,~~ such tax ~~shall have~~ has been paid and the report ~~made for said~~ has been made for such user by any dealer licensed under ~~the provisions of~~ section 66-403. Dealers or other persons having paid ~~said~~ such tax, or being liable for its payment, shall collect the amount thereof from any person, firm, or corporation to whom ~~said~~ such motor vehicle fuel is sold in this state along with the selling price thereof.

Sec. 10. That section 66-610.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-610.03. (1) Money in the trust funds created pursuant to section 66-610.01 shall be used solely for the purpose of preventing a loss to the state for fuel taxes that are not paid and for use in automating enforcement of the taxation of motor fuels imported into Nebraska. The total amount of the trust funds which may be used for enforcement shall not exceed seventy-five thousand dollars.

(2) Whenever the Tax Commissioner determines that fuel tax has been delinquent for ninety days, he or she shall certify the delinquent amount of tax and the interest due thereon to the State Treasurer. The certification shall include the specific fund into which the tax would have been deposited if received and which cash bond is liable for the tax and interest.

(3) Upon receipt of the certification, the

State Treasurer shall transfer the amount to the fund identified.

(4) Such transfer shall not affect the liability of the dealer to the state.

Sec. 11. The changes made by this legislative bill shall apply to any transactions occurring on or after January 1, 1988.".

5. Renumber the remaining sections accordingly.

(Signed) Vard R. Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 428 in the Journal. No objections. So ordered.

In the Lynch amendment, AM1558, on page 1, line 17, after "person" insert "under nineteen years of age"

Mrs. Smith and Mr. Moore asked unanimous consent to print the following amendment to LB 428 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1725.)

GENERAL FILE

LEGISLATIVE BILL 490. Title read. Considered.

Standing Committee amendments, AM0722, printed separate from the Journal and referred to on page 1276 for the Forty-Ninth Day, First Session, 1987, were considered.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis offered the following amendment to the Standing Committee amendments:
AM1556

(Amendments to Standing Committee amendments)

1. On page 2, strike beginning with "and" in line 9 through "body" in line 10.

2. On page 18, line 22, after the period insert "The determination of the agent shall be considered the determination of the local governing body unless otherwise provided by the local governing body.".

The Landis amendment was adopted with 20 ayes, 0 nays, 22 present and not voting, and 7 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 15CA. Read. Considered.

Standing Committee amendments, AM0721, found in the Journal on page 1276 for the Forty-Ninth Day, First Session, 1987, were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Miller asked unanimous consent to be excused. No objections. So ordered.

Mrs. Morehead moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Advanced to E & R for Review with 26 ayes, 2 nays, 13 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 123 in the Journal. No objections. So ordered.

(1) Section 2 (4) line 5 after "any" add, "intentional,".
(2) Add a new section: "Nothing in this act shall be construed as affecting or modifying the liability of any nonprofit sports program for any negligent act or omission of it's qualified staff members acting within the scope of their duty as a manager, coach, umpire, referee, or their assistants."

Ms. Scofield asked unanimous consent to print the following amendment to LB 190 in the Journal. No objections. So ordered.

AM1566

1. Strike original section 3 and insert the following new section:

"Sec. 5. Care staff members, as defined in sections 71-2051, 71-6009, and 71-6038, may only use a nasal cannula to apply oxygen to patients and may not administer more than four liters of oxygen per minute to patients. An oxygen concentrator shall be set up only by a physician, licensed respiratory care practitioner, or registered nurse. Care staff members shall not alter such setup in any way except to return it to the prescribed setting if it should be changed accidentally.".

2. On page 2, lines 11 and 12 and 24; on page 4, lines 18 and 19; and on page 5, line 17, strike "by means of an oxygen concentrator" and insert "as provided in section 5 of this act".

3. On page 5, lines 7 and 8, strike the new matter and reinstate the stricken matter; in line 8 after the first comma insert "oxygen administration,"; and in lines 10 and 25 strike the new matter.

4. On page 6, line 1, strike the new matter; in line 2 strike the new matter and reinstate the stricken matter; and in lines 13 and 14 strike "to 71-2052" and insert ", 71-2051".

5. Renumber the remaining sections accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bills 1161 and 1162.

LB	Committee
1161	Revenue
1162	Revenue

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

(Signed) Bernice Labedz, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 965	Tuesday, February 2, 1988	12:00 Noon
LB 1169	Tuesday, February 2, 1988	12:00 Noon
LB 1170	Tuesday, February 2, 1988	12:00 Noon

(Signed) Rex Haberman, Chairperson

Transportation

LB 1093	Monday, February 1, 1988	1:30 p.m.
LB 1127	Monday, February 1, 1988	1:30 p.m.
LB 1125	Monday, February 1, 1988	1:30 p.m.
LB 1128	Monday, February 1, 1988	1:30 p.m.
LB 818	Tuesday, February 2, 1988	1:30 p.m.
LB 849	Tuesday, February 2, 1988	1:30 p.m.
LB 885	Tuesday, February 2, 1988	1:30 p.m.
LB 969	Tuesday, February 2, 1988	1:30 p.m.
LB 1027	Tuesday, February 2, 1988	1:30 p.m.

(Signed) Howard Lamb, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 550, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, and 799.

(Signed) Scott Moore, Chairperson

VISITORS

Visitors to the Chamber were Dennis Brewster from Stuart; Christian Rostboll from Denmark; and 30 seniors and teacher from Humphrey Senior High, Humphrey.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Tuesday, January 26, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 26, 1988

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 26, 1988

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Warren Swartz, District Superintendent of the United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mesdames Johanns, Marsh, Messrs. Schellpeper, and Warner who were excused; and Messrs. Ashford, Baack, Chambers, Chizek, Conway, V. Johnson, Korshoj, Lamb, Landis, Remmers, Mesdames Higgins, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was approved.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 766. Placed on General File as amended.
Standing Committee amendments to LB 766:
AM1561

1. On page 2, line 1, strike "7" and insert "12".
2. On page 3, line 6, after "98-396" insert

"and Public Law 100-4".

3. On page 4, strike beginning with "The" in line 15 through line 18.

4. On page 5, line 4, strike "section 212" and insert "Title VI, section 601 et seq.,"; in line 7 strike "section 212" and insert "the Wastewater Treatment Facilities Construction Assistance Act or section 603(d)(7)"; and in line 11 strike "212" and insert "601".

5. On page 7, strike beginning with "and" in line 3 through "financing" in line 4.

6. On page 8, line 22, strike the second "and"; after line 22 insert the following new subdivision:

"(6) The power to enter into required agreements with the United States Environmental Protection Agency pursuant to section 602 of the Clean Water Act; and"; and in line 23 strike "(6)" and insert "(7)".

7. On page 9, line 18, strike "(1)"; in line 21 strike "(a)" and insert "(1)"; and in line 23 strike "(b)" and insert "(2)".

8. On page 10, line 1, strike "(c)" and insert "(3)"; in line 4 strike "(d)" and insert "(4)"; in line 7 strike "(e)" and insert "(5)"; in line 11 strike "(f)" and insert "(6)"; in line 15 strike "(g)" and insert "(7)"; in line 20 strike "(h)" and insert "(8)"; and in line 24 strike "(i)" and insert "(9)".

9. On page 11, line 2, strike "(j)" and insert "(9)"; in line 4 strike "(k)" and insert "(10)"; and strike lines 9 through 13.

10. On page 12, line 6, insert an underscored comma after "208".

11. Strike original sections 13, 14, 15, and 17.

12. Insert the following new section:

"Sec. 14. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

13. Remove the underscoring in sections 1 through 12.

14. Renumber the remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

NOTICE OF COMMITTEE HEARING
Urban Affairs

LB 862	Tuesday, February 2, 1988	1:30 p.m.
LB 931	Tuesday, February 2, 1988	1:30 p.m.
LB 1134	Tuesday, February 2, 1988	1:30 p.m.
LB 1135	Tuesday, February 2, 1988	1:30 p.m.

(Signed) D. Paul Hartnett, 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 1987 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Nemaha	
Steve Seglin, Attorney	1,337.92
Morrissey-Dalluge, Attorneys	321.04

MOTION - Approve Appointments

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 482: Dennis Grams - Director, Department of Environmental Control.

Voting in the affirmative, 27:

Abboud	Coordsen	Hefner	Morehead	Scofield
Barrett	Dierks	Johnson, L.	Nelson	Smith
Bernard-Stevens	Elmer	Johnson, R.	Peterson	Wehrbein
	Haberman	Langford	Rogers	Wesely
Beyer	Hall	Lynch	Schmit	Withem
Campbell	Hannibal	Miller		

Voting in the negative, 0.

Present and not voting, 6:

Goodrich	Labedz	McFarland	Moore	Weihing
Hartnett				

Excused and not voting, 16:

Ashford	Conway	Johnson, V.	Landis	Remmers
Baack	Higgins	Korshoj	Marsh	Schellpeper
Chambers	Johanns	Lamb	Pirsch	Warner
Chizek				

The appointment was confirmed with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 482: Hugh W. Williams - Environmental Control Council.

Voting in the affirmative, 25:

Abboud	Elmer	Johnson, L.	Nelson	Scofield
Barrett	Haberman	Johnson, R.	Peterson	Smith
Beyer	Hall	Korshoj	Remmers	Wehrbein
Campbell	Hannibal	Labedz	Rogers	Wesely
Dierks	Hefner	Miller	Schmit	Withem

Voting in the negative, 0.

Present and not voting, 10:

Bernard-Stevens	Goodrich	Langford	McFarland	Morehead
Coordsen	Hartnett	Lynch	Moore	Weihing

Excused and not voting, 14:

Ashford	Chizek	Johanns	Landis	Schellpeper
Baack	Conway	Johnson, V.	Marsh	Warner
Chambers	Higgins	Lamb	Pirsch	

The appointment was confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 482: Dan T. Drain - Environmental Control Council.

Voting in the affirmative, 27:

Abboud	Campbell	Hartnett	Lamb	Schmit
Baack	Coordsen	Hefner	Langford	Smith
Barrett	Elmer	Higgins	Peterson	Wehrbein
Bernard-Stevens	Goodrich	Johnson, L.	Remmers	Weihing
	Haberman	Korshoj	Rogers	Withem
Beyer	Hall	Labedz		

Voting in the negative, 6:

Johnson, R.	Morehead	Nelson	Scofield	Wesely
Landis				

Present and not voting, 10:

Ashford	Conway	Hannibal	McFarland	Moore
Chambers	Dierks	Lynch	Miller	Pirsch

Excused and not voting, 6:

Chizek	Johnson, V.	Marsh	Schellpeper	Warner
Johanns				

The appointment was confirmed with 27 ayes, 6 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Withem moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 489: Coordinating Commission for Postsecondary Education - Joan R. Burney, Timothy G. Darnauer, Marcia L. Jones, and Carol S. Hendrickson.

Voting in the affirmative, 31:

Abboud	Elmer	Johnson, L.	Moore	Scofield
Ashford	Goodrich	Johnson, R.	Morehead	Smith
Baack	Hall	Labedz	Nelson	Wehrbein
Beyer	Hartnett	Lamb	Peterson	Weihing
Campbell	Hefner	Langford	Remmers	Wesely
Conway	Higgins	Miller	Schmit	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 12:

Barrett	Chambers	Hannibal	Lynch	Pirsch
Bernard-Stevens	Dierks	Korshoj	McFarland	Rogers
	Haberman	Landis		

Excused and not voting, 6:

Chizek	Johnson, V.	Marsh	Schellpeper	Warner
Johanns				

These appointments were confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

MOTION - Withdraw LB 1168

Mr. Haberman renewed his pending motion found in the Journal on page 487 to withdraw LB 1168.

The Haberman motion prevailed with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

MOTION - Rerefer LB 1217 to Committee

Mr. R. Johnson renewed his pending motion found in the Journal on page 487 to rerefer LB 1217 to Agriculture Committee.

Mr. R. Johnson withdrew his pending motion to rerefer LB 1217 to Agriculture Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 95 in the Journal. No objections. So ordered.

AM1750

1. In the Standing Committee Amendments,
AM0757, on page 3, line 11, strike "1988" and insert "1989".

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 912	Wednesday, February 3, 1988	1:30 p.m.
LB 918	Wednesday, February 3, 1988	1:30 p.m.
LB 956	Wednesday, February 3, 1988	1:30 p.m.
LB 990	Wednesday, February 3, 1988	1:30 p.m.
LB 921	Thursday, February 4, 1988	1:30 p.m.
LB 991	Thursday, February 4, 1988	1:30 p.m.
LB 1178	Thursday, February 4, 1988	1:30 p.m.
LR 246CA	Friday, February 5, 1988	1:30 p.m.
LR 250CA	Friday, February 5, 1988	1:30 p.m.
LR 251CA	Friday, February 5, 1988	1:30 p.m.
LR 260CA	Friday, February 5, 1988	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

The Committee on Judiciary desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Christina Godfrey - Nebraska Board of Parole

Voting aye: Senators Chambers, Chizek, Conway, Korshoj, McFarland, and Pirsch. Voting nay: None. Absent: Senators Ashford and Nelson.

LEGISLATIVE BILL 672. Placed on General File.
LEGISLATIVE BILL 821. Placed on General File.

(Signed) Jerry Chizek, Chairperson

WITHDRAW - Amendment to LB 123

Mr. Ashford withdrew his pending amendment found in the Journal on page 498.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 123.

A BILL FOR AN ACT relating to nonprofit sports programs; to define terms; to provide immunity from civil damages as prescribed; and to provide for a statement.

Whereupon the 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	Campbell	Hannibal	Langford	Scofield
Ashford	Chizek	Hartnett	Lynch	Smith
Baack	Conway	Johnson, L.	Moore	Wehrbein
Barrett	Coordsen	Johnson, R.	Morehead	Weihing
Bernard-Stevens	Dierks	Korshoj	Nelson	Wesely
	Elmer	Labedz	Pirsch	Withem
Beyer	Goodrich	Lamb	Schmit	

Voting in the negative, 5:

Chambers	Hall	Higgins	Landis	McFarland

Present and not voting, 6:

Haberman	Miller	Peterson	Remmers	Rogers
Hefner				

Excused and not voting, 5:

Johanns	Johnson, V.	Marsh	Schellpeper	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 428 to Select File

Mrs. Smith and Mr. Moore moved to return LB 428 to Select File for their specific amendment, AM1725, printed separate from the Journal and referred to on page 497.

Mr. McFarland 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. Moore requested a roll call vote on the Smith-Moore motion to return.

Voting in the affirmative, 23:

Barrett	Coordsen	Higgins	Lamb	Remmers
Bernard-Stevens	Dierks	Johnson, L.	Landis	Schmit
Chambers	Elmer	Johnson, R.	Moore	Scofield
Conway	Hall	Korshoj	Peterson	Smith
	Hannibal	Labedz	Pirsch	

Voting in the negative, 21:

Abboud	Chizek	Hefner	Miller	Wehrbein
Ashford	Goodrich	Langford	Morehead	Weihing
Baack	Haberman	Lynch	Nelson	Wesely
Beyer	Hartnett	McFarland	Rogers	Withem
Campbell				

Excused and not voting, 5:

Johanns	Johnson, V.	Marsh	Schellpeper	Warner

The Smith-Moore motion to return lost with 23 ayes, 21 nays, and 5 excused and not voting.

Mr. Moore moved to return LB 428 to Select File for his specific amendment found in the Journal on page 497.

Mr. Abboud 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. Moore requested a record vote on his motion to return.

Voting in the affirmative, 22:

Barrett	Coordsen	Higgins	Landis	Remmers
Bernard-Stevens	Dierks	Johnson, L.	Moore	Schmit
Chambers	Elmer	Johnson, R.	Peterson	Scofield
Conway	Hall	Korshoj	Pirsch	Smith
	Hannibal	Lamb		

Voting in the negative, 21:

Abboud	Chizek	Labedz	Miller	Wehrbein
Ashford	Goodrich	Langford	Morehead	Weihing
Baack	Hartnett	Lynch	Nelson	Wesely
Beyer	Hefner	McFarland	Rogers	Withem
Campbell				

Present and not voting, 1:

Haberman

Excused and not voting, 5:

Johanns	Johnson, V.	Marsh	Schellpeper	Warner

The Moore motion to return lost with 22 ayes, 21 nays, 1 present and not voting, and 5 excused and not voting.

Mrs. Smith moved to return LB 428 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1726.)

Mrs. Smith withdrew her pending motion to return to Select File.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 428.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-669.26, Revised Statutes Supplement, 1987; to state intent; to require the wearing of a protective helmet as prescribed; to provide duties for the Department of Motor Vehicles; to provide a penalty;

to change provisions relating to a point system; and to repeal the original section.

Mr. Lynch requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 23:

Abboud	Beyer	Hartnett	McFarland	Wehrbein
Ashford	Campbell	Hefner	Miller	Weihing
Baack	Chizek	Labedz	Morehead	Wesely
Bernard-Stevens	Goodrich	Langford	Nelson	Withem
	Haberman	Lynch	Rogers	

Voting in the negative, 21:

Barrett	Elmer	Johnson, L.	Landis	Remmers
Chambers	Hall	Johnson, R.	Moore	Schmit
Conway	Hannibal	Korshoj	Peterson	Scofield
Coordsen	Higgins	Lamb	Pirsch	Smith
Dierks				

Excused and not voting, 5:

Johanns	Johnson, V.	Marsh	Schellpeper	Warner

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 992. Placed on General File.

LEGISLATIVE BILL 823. Placed on General File as amended.
Standing Committee amendments to LB 823:
AM1753

1. On page 6, line 18, after "lies" insert "or any county contiguous thereto"; and strike beginning with "No" in line 23 through line 25.

2. On page 7, strike beginning with "proximately" in line 1 through the period in line 2.

(Signed) Ron Withem, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 249, 666, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, and 927.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 249

The following changes, required to be reported for publication in the Journal, have been made:
ER0233

1. On page 2, line 18, paragraphing has been inserted before "The" and "Department of Health" has been struck, shown as stricken, and "department" inserted.

2. On page 3, line 13, the first comma has been struck and shown as stricken; and in line 17, "Department of Health" has been struck, shown as stricken, and "department" inserted.

Enrollment and Review Change to LB 802

The following changes, required to be reported for publication in the Journal, have been made:
ER0232

1. On page 11, line 10, "sections" has been struck and shown as stricken.

(Signed) Mary E. Sommermeyer
E & R Attorney

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 1227	Wednesday, February 17, 1988	1:30 p.m.
LB 1224	Wednesday, February 17, 1988	1:30 p.m.
LB 1180	Wednesday, February 17, 1988	1:30 p.m.

LB 1185	Thursday, February 18, 1988	1:30 p.m.
LB 1188	Thursday, February 18, 1988	1:30 p.m.

(Signed) Don Wesely, Chairperson

MOTION - Return LB 488 to Select File

Mr. Landis moved to return LB 488 to Select File for his specific amendment, AM1681, found in the Journal on page 368.

The Landis motion to return prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 488. The Landis specific amendment, AM1681, found in the Journal on page 368 was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 582.

A BILL FOR AN ACT relating to employment; to state intent; to define terms; to provide restrictions on the use of results of tests on body fluid and breath specimens; to provide requirements for such tests; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Bernard-Stevens	Chizek	Goodrich	Hefner
Ashford	Beyer	Conway	Haberman	Higgins
Baack	Campbell	Coordsen	Hall	Johnson, L.
Barrett	Chambers	Dierks	Hannibal	Johnson, R.
		Elmer	Hartnett	Korshoj

Labedz	Lynch	Nelson	Rogers	Wehrbein
Lamb	Miller	Peterson	Schmit	Weihing
Landis	Moore	Pirsch	Scofield	Wesely
Langford	Morehead	Remmers	Smith	Withem

Voting in the negative, 0.

Present and not voting, 1:

McFarland

Excused and not voting, 5:

Johanns	Johnson, V.	Marsh	Schellpeper	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 628. Mr. Hartnett asked unanimous consent to bracket until February 16, 1988. No objections. So ordered.

LEGISLATIVE BILL 627. Title read. Considered.

Standing Committee amendments, AM0720, found in the Journal on page 1276 for the Forty-Ninth Day, First Session, 1987, were considered.

Mr. Hartnett renewed his pending amendment, AM1614, found in the Journal on page 299 to the Standing Committee amendments.

Mrs. Campbell asked unanimous consent to be excused until she returns. No objections. So ordered.

The Hartnett amendment was adopted with 9 ayes, 0 nays, 35 present and not voting, and 5 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Messrs. Wesely and Remmers moved to indefinitely postpone LB 627.

Laid over.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 519. Mr. Chizek asked unanimous consent to bracket until February 8, 1988. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 170 in the Journal. No objections. So ordered.

AM1760

1. On page 3, after line 4, insert the following new subsection:

"(3) No person shall knowingly and willingly be present at and witness as a spectator dogfighting, cockfighting, bearbaiting, or the pitting of an animal against another as prohibited in subsection (1) of this section. Any person who violates the provisions of this subsection shall be guilty of a Class I misdemeanor for the first conviction. A person convicted of violating the provisions of this subsection for a second or subsequent time shall be guilty of a Class IV felony.".

2. Insert the following new section:

"Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

MOTION - Suspend Rules

Mr. Ashford moved to suspend the rules, Rule 3, Section 13 and withdraw LB 875.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Baack asked unanimous consent to have his name added as co-introducer to LB 1073. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mayor Bernie Simon from Omaha; and 15 members of the Public School Ad Hoc Committee from across the state.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 123 and 582.

ADJOURNMENT

At 11:54 a.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Wednesday, January 27, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 27, 1988

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 27, 1988

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Col. Meredith Thomas, Installation Chaplain, Offutt Air Force Base.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mr. Goodrich who were excused; and Messrs. Bernard-Stevens, Chambers, Coordsen, Haberman, Hall, R. Johnson, Withem, Mesdames Higgins, Johanns, Labedz, Morehead, Nelson, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 517, before ADJOURNMENT insert:

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 123 and 582.
The Journal for the Thirteenth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 490. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM5303.)

LEGISLATIVE RESOLUTION 15CA. Placed on Select File as amended.
E & R amendments to LR 15CA:
AM5302

1. On page 1, line 5, strike "FIRST" and insert "SECOND".

2. On page 2, line 10, strike "horse races", show as stricken, and insert "horseraces"; and in line 13 strike "race track", show as stricken, and insert "racetrack".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 488.

Correctly Engrossed

The following bills were correctly engrossed: 273, 273A, 372, 372A, 429, 537, 594, 625, and 705.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 273

The following changes, required to be reported for publication in the Journal, have been made:
ER0230

1. In the Pirsch amendment adopted January 22, 1988, found on page 456 of the Journal, "subsection" has been struck and "subdivision" inserted.

Enrollment and Review Change to LB 537

The following changes, required to be reported for publication in the Journal, have been made:
ER0231

1. In the Standing Committee amendments, AM0546, adopted January 19, 1988, on page 1, line 4, "201" has been struck and "301" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 26, 1988, at 12:22 p.m., were the following bills: 123 and 582.

(Signed) Jan Loder, Enrolling Clerk

MESSAGES FROM THE GOVERNOR

January 25, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Commission on Industrial Relations, requiring legislative confirmation.

Appointee: Jeffery L. Orr, Box 1060, Kearney, NE 68848, work: 308-234-5579

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

January 25, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Commission on Industrial Relations, requiring legislative confirmation.

Appointee: Dean G. Kratz, 1100 Central Park Plaza, Omaha, NE 68102, work: 341-3070

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

January 25, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Rural Health Manpower, requiring legislative confirmation.

Appointee: Marilyn Wartig, Box P, Wisner, NE 68791, work: 529-6620

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

REPORTS

Received report from the Board of Education for the Omaha School Employees Retirement System, pursuant to Nebraska State Statute 79-1051.06.

Received report from the State of Nebraska Investment Council of South Africa related investments as of December 31, 1987, as required by 72-1273 (3) and 72-1274 (2) of the Nebraska Statutes.

SPEAKER'S ANNOUNCEMENT

Speaker Barrett announced the deadline for designation of individual and committee priority bills is noon, Friday, February 19, 1988.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 1111	Wednesday, February 3, 1988	1:30 p.m.
LB 1101	Wednesday, February 3, 1988	1:30 p.m.
LB 1145	Wednesday, February 3, 1988	1:30 p.m.
LB 846	Thursday, February 4, 1988	1:30 p.m.
LB 1047	Friday, February 5, 1988	1:30 p.m.

(Signed) Jerome Warner, Chairperson

MOTION - Approve Appointment

Mr. Chizek moved the adoption of the report of the Judiciary Committee for the following Governor appointment found in the Journal on page 508: Christina Godfrey - Nebraska Board of Parole.

Voting in the affirmative, 28:

Abboud	Chizek	Korshoj	Remmers	Smith
Ashford	Conway	Lamb	Rogers	Warner
Baack	Elmer	Langford	Schellpeper	Wehrbein
Barrett	Hannibal	Miller	Schmit	Weihing
Beyer	Hefner	Moore	Scofield	Wesely
Campbell	Johnson, L.	Peterson		

Voting in the negative, 0.

Present and not voting, 6:

Dierks	Johnson, V.	Landis	Lynch	McFarland
Hartnett				

Excused and not voting, 15:

Bernard-Stevens	Coordsen	Hall	Johnson, R.	Morehead
	Goodrich	Higgins	Labedz	Nelson
Chambers	Haberman	Johanns	Marsh	Pirsch

Withem

The appointment was confirmed with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

MOTION - Suspend Rules

Mr. Ashford renewed his pending motion found in the Journal on page 516 to suspend the rules, Rule 3, Section 13 and withdraw LB 875.

The Ashford motion to withdraw prevailed with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 301. E & R amendments, AM5270, found in the Journal on page 375 for the Ninth Day were adopted.

Messrs. Dierks and Wesely renewed their pending amendment found in the Journal on page 316.

The Dierks-Wesely amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 301A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 170. E & R amendments, AM5271, found in the Journal on page 375 for the Ninth Day were adopted.

Mr. Wesely withdrew his pending amendment, AM1760, found in the Journal on page 516.

Messrs. Wesely, Chambers, and Abboud offered the following amendment:
AM1770

1. On page 3, line 4, after "Class" insert "I misdemeanor for the first conviction. A person convicted of violating any provision of subsection (1) of this section for a second or subsequent time shall be guilty of a"; and after line 4 insert:

"(3) No person shall knowingly and willingly

be present at and witness as a spectator dogfighting, cockfighting, bearbaiting, or the pitting of an animal against another as prohibited in subsection (1) of this section. Any person who violates any of the provisions of this subsection shall be guilty of a Class I misdemeanor.".

2. Insert the following new section:

"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.".

The Wesely-Chambers-Abboud amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 630. E & R amendments, AM5286, found in the Journal on page 407 for the Tenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 551. E & R amendments, AM5287, found in the Journal on page 408 for the Tenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 52. E & R amendments, AM5288, found in the Journal on page 448 for the Eleventh Day were adopted.

Mrs. Smith requested a machine vote on the advancement of the bill.

Mr. Rogers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Rogers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Baack	Elmer	Higgins	Lynch	Rogers
Chizek	Hall	Korshoj	Peterson	Schellpeper
Conway	Hartnett	Labedz	Pirsch	Schmit
Coordsen	Hefner	Langford	Remmers	Withem
Dierks				

Voting in the negative, 21:

Abboud	Chambers	Lamb	Morehead	Warner
Barrett	Hannibal	Landis	Nelson	Wehrbein
Bernard-Stevens	Johnson, L.	Miller	Scofield	Weihing
Beyer	Johnson, R.	Moore	Smith	Wesely
	Johnson, V.			

Present and not voting, 3:

Ashford	Campbell	McFarland

Excused and not voting, 4:

Goodrich	Haberman	Johanns	Marsh

Failed to advance to E & R for Engrossment with 21 ayes, 21 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Hefner and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 370. E & R amendments, AM5292, found in the Journal on page 475 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 676. E & R amendments, AM5293, found in the Journal on page 476 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 673. E & R amendment, AM5295, found in the Journal on page 487 for the Twelfth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 673A. E & R amendment, AM5296, found in the Journal on page 487 for the Twelfth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 445. E & R amendments, AM5301, found in the Journal on page 487 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 674. E & R amendment, AM5297, found in the Journal on page 487 for the Twelfth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 670. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 435. E & R amendments, AM5299, found in the Journal on page 488 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 350. E & R amendments, AM5300, found in the Journal on page 488 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 350A. E & R amendment, AM5298, found in the Journal on page 488 for the Twelfth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Room Change

Mr. Wesely asked unanimous consent to change the location of the hearing on LB 880 and LB 1100 to the East Chamber on Thursday, January 28, at 1:30 p.m., by the Health and Human Services Committee. No objections. So ordered.

COMMUNICATION

January 26, 1988

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

Dear Mr. O'Donnell:

Pursuant to the provisions of Section 85-404, Reissue Revised Statutes of Nebraska 1943, as amended, the State College Board of Trustees is submitting to the Legislature for consideration, a resolution authorizing Chadron State College to proceed with the construction of a Student Center facility on that campus. This facility is needed to provide for the student activity needs of the Chadron State College community.

Attached you will find the following items:

1. Resolution authorizing the project, approved by the Board of Trustees on December 22, 1987
2. History of the project

Should the Legislature require additional information on this matter, please contact the Board Office, phone 1-2505.

Respectfully Submitted,
(Signed) Dr. Richard Bringelson
Executive Officer
State College Board of Trustees

xc: Mr. Peter Kotsiopulos, Chairman
State College Board of Trustees

Attachment: a resolution adopted by the Board of Trustees of the State Colleges.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1217	Wednesday, February 3, 1988	1:30 p.m.
LB 1022	Wednesday, February 3, 1988	1:30 p.m.
LB 1031	Wednesday, February 3, 1988	1:30 p.m.
LB 1023	Thursday, February 4, 1988	1:30 p.m.
LB 1090	Thursday, February 4, 1988	1:30 p.m.
LB 1182	Thursday, February 4, 1988	1:30 p.m.

Governor Appointments Friday, February 5, 1988 1:30 p.m.
Elvin Adamson - Game and Parks Commission
Thomas C. Baker - Oil and Gas Conservation Commission

(Signed) Loran Schmit, Chairperson

Business and Labor

LB 875 Monday, February 1, 1988 (Cancelled) 1:30 p.m.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Elmer asked unanimous consent to have his name added as co-introducer to LB 602. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 170. No objections. So ordered.

MOTION - Reconsider Action on LB 428

Mr. V. Johnson moved to reconsider the Final Reading vote on LB 428.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 557. Title read. Considered.

Standing Committee amendments, AM0688, found in the Journal on page 1294 for the Forty-Ninth Day, First Session, 1987, were considered.

SPEAKER BARRETT PRESIDING

Mr. Hall renewed his pending amendment, AM1686, printed separate from the Journal and referred to on page 379 to the Standing Committee amendments.

The Hall amendment was adopted with 19 ayes, 0 nays, 25 present and not voting, and 5 excused and not voting.

Mr. Elmer renewed his pending amendment found in the Journal on page 478.

The Elmer amendment was adopted with 18 ayes, 0 nays, 26 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.

Mr. Wesely moved to indefinitely postpone LB 557.

Mrs. Morehead moved to bracket LB 557 until February 3, 1988.

The Morehead motion to bracket prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 893. Placed on General File.

LEGISLATIVE BILL 512. Placed on General File as amended.
Standing Committee amendments to LB 512:
AM1767

1. Strike the original section and insert the following new sections:

"Section 1. That section 28-1440, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1440. Any person, organization, corporation, association, or institution, either a resident or nonresident of this state, which solicits funds in ~~any county of~~ this state ~~other than where its home office is located, shall first obtain a letter of approval from the county attorney of the county in which its home office is located, which letter~~ shall ~~be forwarded~~ forward a request for a certificate to solicit funds to the Secretary of State together with a fee of ~~one dollar~~ five dollars. Upon receipt of such ~~letter~~ request and fee by the Secretary of State, he or she shall issue a certificate granting the privilege of soliciting throughout the state for the balance of such calendar year. Such persons, organizations, corporations, associations, and institutions may make as many copies of the certificate as they deem necessary either by certification or photostatic process. All persons soliciting funds for themselves or for such organizations, corporations, associations, or institutions, ~~must~~ shall have in their possession a

certified or photostatic copy of such certificate. If the person, organization, corporation, association, or institution does not have a home office or district office located in this state, it shall file with the Secretary of State~~, in lieu of the letter from the county attorney,~~ a certified copy of its articles of incorporation or of its constitution and bylaws~~,~~ or other evidence of existence and evidence of good standing as the Secretary of State may deem necessary before issuing the certificate to solicit funds in this state.

Sec. 2. That section 28-1441, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1441. Before any person ~~shall receive~~ receives any funds by solicitation, he or she shall display his or her authority to solicit by showing either a certified or photostatic copy of the certificate issued by the Secretary of State with the solicitor's photograph attached. The ~~; PROVIDED, that the letter of approval by the county attorney and the~~ certificate issued by the Secretary of State shall not constitute an endorsement of any person, organization, corporation, or institution making solicitations, which fact shall be printed in bold type on the certificate issued by the Secretary of State.

Sec. 3. That original sections 28-1440 and 28-1441, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 908. Placed on General File as amended.
Standing Committee amendment to LB 908:
AM1740

1. On page 2, line 5, strike "change his or her own" and insert "restore his or her former".

LEGISLATIVE BILL 870. Indefinitely postponed.
LEGISLATIVE BILL 883. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

Urban Affairs

LEGISLATIVE BILL 934. Placed on General File as amended.
Standing Committee amendment to LB 934:

AM1756

1. On page 2, line 25, after "forty-eight" insert "hours" and after "service" insert "or following receipt of a certified letter".

(Signed) D. Paul Hartnett, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 838. Placed on General File.
LEGISLATIVE BILL 853. Placed on General File.
LEGISLATIVE BILL 854. Placed on General File.
LEGISLATIVE BILL 962. Placed on General File.

LEGISLATIVE BILL 961. Placed on General File as amended.
Standing Committee amendments to LB 961:
AM1757

1. On page 2, line 23, after "shall" insert "self-insure or".

2. On page 3, after line 2 insert:

"As used in this section, political subdivision shall not include a district as defined in section 70-601.".

LEGISLATIVE RESOLUTION 258CA. Placed on General File as amended.
Standing Committee amendments to LR 258CA:
AM1749

1. On page 2, line 8, strike the new matter, after "Legislature" insert an underscored period, and strike "that when", show as stricken, and insert "When"; and in line 9 after "redistricted" insert an underscored comma.

2. On page 3, line 4, strike the underscored period and reinstate the stricken comma; and reinstate the stricken matter in lines 5 and 6.

3. On page 5, line 17, strike "may" and insert "shall".

(Signed) Dennis Baack, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 993. Placed on General File.

LEGISLATIVE BILL 994. Placed on General File.
LEGISLATIVE BILL 995. Placed on General File.
LEGISLATIVE BILL 996. Placed on General File.

(Signed) R. W. Remmers, Chairperson

Revenue

LEGISLATIVE BILL 972. Placed on General File as amended.
Standing Committee amendments to LB 972:
AM1751

1. Strike original section 1.

2. On page 38, line 1, after the underscored semicolon insert "and"; and strike beginning with "Commencing" in line 2 through "husbandry" in line 14 and insert "Any sale of used farm tractors and implements of husbandry as defined in section 39-602, except that all-terrain vehicles and trucks as defined in section 60-301 shall not be exempt. For purposes of this subdivision, a farm tractor or an implement of husbandry shall not be exempt until it has been sold, leased, or rented by an ultimate user for at least one year".

3. On page 41, line 19, strike "sections 77-2702 and" and insert "section"; and in line 20 strike "are" and insert "is".

4. Insert the following new section:

"Sec. 2. This act shall become operative on October 1, 1988.".

5. Renumber the remaining section accordingly.

(Signed) Vard R. Johnson, Chairperson

NOTICE OF COMMITTEE HEARINGS
Revenue

LR 249CA	Wednesday, February 3, 1988	1:30 p.m.
LB 844	Wednesday, February 3, 1988	1:30 p.m.
LB 1207	Wednesday, February 3, 1988	1:30 p.m.
LB 1184	Wednesday, February 3, 1988	1:30 p.m.

LB 1161	Thursday, February 4, 1988	1:30 p.m.
LB 1162	Thursday, February 4, 1988	1:30 p.m.
LB 1165	Thursday, February 4, 1988	1:30 p.m.
LB 1191	Thursday, February 4, 1988	1:30 p.m.

(Signed) Vard R. Johnson, Chairperson

Government, Military and Veterans Affairs

LB 1133	Wednesday, February 3, 1988	1:30 p.m.
LB 1143	Wednesday, February 3, 1988	1:30 p.m.
LB 1148	Wednesday, February 3, 1988	1:30 p.m.
LB 1079	Thursday, February 4, 1988	1:30 p.m.
LB 922	Thursday, February 4, 1988	1:30 p.m.
LB 1088	Thursday, February 4, 1988	1:30 p.m.
LR 261	Friday, February 5, 1988	1:30 p.m.
LB 1001	Friday, February 5, 1988	1:30 p.m.
LB 867	Friday, February 5, 1988	1:30 p.m.

(Signed) Dennis Baack, Chairperson

GENERAL FILE

LEGISLATIVE BILL 419. Title read. Considered.

Standing Committee amendments, AM0638, found in the Journal on page 1303 for the Fiftieth Day, First Session, 1987, were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 419A. Title read. Considered.

Mr. Withem offered the following amendment:
AM1619

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $22,360 from the General Fund and $23,327 from Federal

Funds for the period July 1, 1988, to June 30, 1989, and (2) $31,437 from the General Fund and $32,746 from Federal Funds for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 419, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $35,845 for the period July 1, 1988, to June 30, 1989, nor $53,679 for the period July 1, 1989, to June 30, 1990.

Sec. 2. There is hereby appropriated (1) $390,232 from the General Fund and $578,806 from Federal Funds for the period July 1, 1988, to June 30, 1989, and (2) $1,037,892 from the General Fund and $1,570,532 from Federal Funds for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 348, to aid in carrying out the provisions of Legislative Bill 419, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The Withem amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS

Transportation

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Duane W. Acklie - State Highway Commission

Voting aye: Senators Beyer, Ashford, Campbell, Rogers, Wesely. Voting nay: None. Not Voting: None. Absent: Senators Lamb, Pirsch, Schellpeper.

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

David O. Coolidge - Board of Public Roads Classifications and Standards

Voting aye: Senators Beyer, Ashford, Campbell, Rogers, Wesely. Voting nay: None. Not Voting: None. Absent: Senators Lamb, Pirsch, Schellpeper.

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dennis R. Miller - Motor Vehicle Licensing Board

Voting aye: Senators Beyer, Ashford, Campbell, Rogers, Schellpeper, Wesely. Voting nay: None. Not Voting: None. Absent: Senators Lamb, Pirsch.

LEGISLATIVE BILL 840. Placed on General File.
LEGISLATIVE BILL 884. Placed on General File.
LEGISLATIVE BILL 1051. Placed on General File.

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 419. No objections. So ordered.

Mrs. Campbell asked unanimous consent to have her name added as co-introducer to LB 419. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 466 in the Journal. No objections. So ordered.

AM1771

1. On page 2, line 7, strike "care".

2. On page 3, line 10, strike "January 1" and insert "August 15"; and strike beginning with "When" in line 21 through the period in line 24 and insert "The information necessary to make such a determination initially may be gathered by the person supplying the required medical, surgical, or hospital services at the time the services are furnished if the county has not already done so. The information so obtained shall be reported promptly to the county and shall be presumed to be accurate unless the county, using reasonable standards and procedures, determines to the contrary and so notifies the person providing the information within thirty days after receiving such information.".

3. On page 4, strike beginning with "Section" in line 4 through the period in line 6.

4. On page 6, line 9, strike "January 1" and insert "August 15".

GENERAL FILE

LEGISLATIVE BILL 758. Title read. Considered.

Standing Committee amendment, AM0736, found in the Journal on page 1307 for the Fiftieth Day, First Session, 1987, 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, 0 nays, 17 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Korshoj asked unanimous consent to have his name added as co-introducer to LB 602. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis and Mrs. Morehead asked unanimous consent to print the following amendment to LB 88 in the Journal. No objections. So ordered.

Page 4, line 7; strike beginning with "An" through "health" in line 15.

Page 7, line 7; after "action" add "including the provision of hydration and nutrition"

Page 10, line 20; strike "January 1, 1988" and insert "the effective date of this act."

Strike all of Section 15.

Strike all of Section 17.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Walter Lubben from Hebron; Jerry Laws from Scottsbluff; Ray Tumel; Susan Howe, Christine Maciejewski, and Deb Leaders; and Dr. Ron Ernst, Dr. Rick Cimpl, and Dr. Klutman.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. L. Johnson, the Legislature adjourned until 9:00 a.m., Thursday, January 28, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 28, 1988

LEGISLATIVE JOURNAL

FIFTEENTH DAY - JANUARY 28, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 28, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Mike Loudon, East Ridge Presbyterian Church.

ROLL CALL

The roll was called and all members were present except Mr. Haberman who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Chizek, Hannibal, Landis, Lynch, McFarland, Schmit, Mesdames Higgins, Labedz, Morehead, Pirsch, and Ms. Scofield who were excused until they arrive.

PRESIDENT NICHOL PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 170, 301, 301A, 551, and 630.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 170

The following changes, required to be reported for publication in the Journal, have been made:
ER0234

1. In the Wesely et al. amendment, AM1770, adopted January 27, 1988, on page 1, line 5, "Class" has been inserted after "a"; and in line 10 "of the provisions" has been struck and "provision" inserted.

2. On page 1, line 6, "a penalty" has been struck and "penalties" inserted and "and" has been struck; and in line 7 "; and to declare an emergency" has been inserted after "section".

Enrollment and Review Change to LB 301

The following changes, required to be reported for publication in the Journal, have been made:
ER0235

1. On page 3, line 1, "interest" has been struck and "interests" inserted.

2. On page 4, line 8, "interest" has been struck and "interests" inserted.

3. In the Standing Committee amendments, on page 1, line 7, "or agency" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Approve Appointments

Mr. Lamb moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 534: Duane W. Acklie - State Highway Commission; David O. Coolidge - Board of Public Roads Classifications and Standards; Dennis R. Miller - Motor Vehicle Licensing Board.

Voting in the affirmative, 25:

Baack	Campbell	Goodrich	Johnson, L.	Lamb
Barrett	Dierks	Hartnett	Johnson, R.	Langford
Beyer	Elmer	Hefner	Johnson, V.	Marsh

Miller	Peterson	Rogers	Smith	Weihing
Nelson	Remmers	Schellpeper	Warner	Wesely

Voting in the negative, 0.

Present and not voting, 8:

Conway	Hall	Korshoj	Wehrbein	Withem
Coordsen	Johanns	Moore		

Excused and not voting, 16:

Abboud	Chambers	Higgins	Lynch	Pirsch
Ashford	Chizek	Labedz	McFarland	Schmit
Bernard-Stevens	Haberman	Landis	Morehead	Scofield
	Hannibal			

These appointments were confirmed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 95. Considered.

Mr. Wesely renewed his pending amendment, AM1750, found in the Journal on page 507.

The Wesely amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. Marsh moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mrs. Marsh requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

Beyer	Johnson, V.	Marsh	Peterson	Wehrbein
Chambers	Lamb	McFarland	Rogers	Weihing
Dierks	Landis	Miller	Scofield	Wesely
Johanns	Lynch	Nelson	Smith	

Voting in the negative, 22:

Abboud	Conway	Hannibal	Korshoj	Remmers
Baack	Coordsen	Hefner	Labedz	Schellpeper
Barrett	Elmer	Higgins	Langford	Schmit
Campbell	Goodrich	Johnson, L.	Moore	Withem
Chizek	Hall			

Present and not voting, 4:

Bernard-Stevens	Hartnett	Johnson, R.	Warner

Excused and not voting, 4:

Ashford	Haberman	Morehead	Pirsch

Failed to advance to E & R for Review with 19 ayes, 22 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING
Health and Human Services

LB 760 Thursday, February 11, 1988 (rehearing) 1:30 p.m.
AM1762

(Signed) Don Wesely, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 839. Placed on General File as amended.
Standing Committee amendment to LB 839:
AM1758

1. On page 2, line 1, after the period insert "(1)"; and after line 17 insert:

"(2) As used in this section, rural shall mean all areas not included in a Metropolitan Statistical Area as defined by the United States Office of Management and Budget.

(3) The Community Health Resources Program may accept any grants, gifts, or bequests the federal government or other sources grant or give to the department to carry out the purposes of this section.".

(Signed) Don Wesely, Chairperson

Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Major General Stanley M. Heng - Adjutant General-Military Department and Civil Defense Director in and for the State of Nebraska

Voting aye: Senators Baack, Campbell, Coordsen, Dierks, Higgins, Remmers, Smith, Withem. Voting nay: None. Absent: None.

(Signed) Dennis Baack, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 551A. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 551, Ninetieth Legislature, Second Session, 1988.

RESOLUTIONS

LEGISLATIVE RESOLUTION 272. Introduced by Barrett, 39th District.

WHEREAS, vocational education has helped many Nebraskans respond to the profound social, economic, and technological changes in our society; and

WHEREAS, vocational education helps individuals reach new goals for themselves and ultimately for society; and

WHEREAS, professional contributions by the vocational educators of this state have assisted youth and adults in the process of preparing for work; and

WHEREAS, the leadership skills and civic contributions provided by vocational student organizations such as FFA, FHA-HERO,

FBLA, HOSA, AIASA, PBL, DECA, and VICA are also recognized as integral parts of vocational education; and

WHEREAS, the American Vocational Association, by representative assembly, has established the second week in February as Vocational Education Week and is supported by the Nebraska Vocational Association in this action.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby proclaims the week of February 7th through the 13th, 1988, as Vocational Education Week.

2. That the Legislature urges all citizens to join in supporting and recognizing vocational education programs in the State of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 273. Introduced by Lynch, 13th District.

WHEREAS, the Little Vikes Auxiliary Association was established in North Omaha in June 1978; and

WHEREAS, the association provides numerous services to the community, including the sponsorship of baseball, football, and curling teams, the operation of a gymnastics program, the operation of an International Adoption Agency, the free rental of their buildings to nonprofit organizations such as Alcoholics Anonymous, and the organization of a youth group; and

WHEREAS, the Little Vikes Auxiliary Association operates the Vikingship Community Center at 2582 Redick Street, Omaha; and

WHEREAS, the Vikingship Community Center is the site for training Eastern Nebraska Community Office of Mental Retardation clients in a food service training program which provides "Meals on Wheels" to over sixty elderly and disabled individuals; and

WHEREAS, the food service training program has led to the competitive employment throughout the community of fifteen individuals who have participated in the Vikingship program; and

WHEREAS, the Association for Retarded Citizens-Nebraska has named the Vikingship Community Center "Supported Employer of the Year" in recognition of its food service training program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Vikingship Community Center on its receipt of the "Supported Employer of the Year Award."

2. That the Legislature recognizes and congratulates the Little Vikes Auxiliary Association for its contributions to eastern Nebraska.

3. That the Legislature recognizes the personal sacrifices made by June Blair, President/Director, Gary Blair, Vice President, and Little Vike employees for their commitment to the service of others.

4. That a copy of this resolution be sent to the Little Vikes, in care of June Blair at 2852 Redick Street, Omaha, Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. V. Johnson and Hall asked unanimous consent to print the following amendment to LB 760 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1762.)

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1045. Placed on General File.
LEGISLATIVE BILL 1046. Placed on General File.

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 703. Mr. Hefner withdrew his pending motion found in the Journal on page 190 to indefinitely postpone.

Mr. Schmit renewed his pending amendment found in the Journal on page 265.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Messrs. Barrett and Chizek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. R. Johnson requested a record vote on the Schmit amendment.

Mr. Schmit moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Abboud	Goodrich	Labedz	McFarland	Warner
Baack	Hall	Lynch	Nelson	Wesely
Campbell	Johnson, V.	Marsh	Schmit	Withem
Conway				

Voting in the negative, 23:

Beyer	Hartnett	Korshoj	Moore	Schellpeper
Chambers	Hefner	Lamb	Peterson	Smith
Coordsen	Johanns	Landis	Remmers	Wehrbein
Dierks	Johnson, L.	Langford	Rogers	Weihing
Elmer	Johnson, R.	Miller		

Present and not voting, 4:

Bernard-Stevens	Hannibal	Higgins	Scofield

Excused and not voting, 6:

Ashford	Chizek	Haberman	Morehead	Pirsch
Barrett				

The Schmit amendment lost with 16 ayes, 23 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Conway moved to indefinitely postpone LB 703.

Laid over.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 834. Placed on General File.
LEGISLATIVE BILL 842. Placed on General File.
LEGISLATIVE BILL 1064. Placed on General File.

LEGISLATIVE BILL 832. Placed on General File as amended.
Standing Committee amendments to LB 832:
AM1752

1. On page 2, line 6, after the second comma insert "(a) in counties with a population of one hundred fifty thousand or more inhabitants,"; strike beginning with the comma in line 10 through "due" in line 12 and insert "and (b) in counties with a population of less than one hundred fifty thousand inhabitants, it shall be sufficient to designate the township, range, sections or part of section, and the number of lots and blocks, by initial letters, abbreviations, and figures, and the name of the person owning the designated land. If there is more than one owner of record, only the first owner's name shall be listed and the words et al. added after his or her name"; in line 13 strike "section" and insert "sections" and after "77-1803" insert "and 77-1804"; and in line 14 strike "is" and insert "are".

2. Insert the following new section:

"Sec. 2. That section 77-1804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1804. The county treasurer shall cause the list of lands and town lots subject to sale and accompanying notice to be published once a week for three consecutive weeks prior to the date of sale, commencing the first week in February, in a legal newspaper and, in counties having more than two hundred fifty thousand inhabitants, in a daily legal newspaper of general circulation designated by the county board which is published in the English language in the county. The county treasurer shall also cause to be posted in some conspicuous place in his or her office a copy of such notice. The treasurer shall assess against each description of lands or town lots in counties having one hundred fifty thousand or more inhabitants the sum of two dollars and, in counties having less than one hundred fifty thousand inhabitants, the sum of four dollars, to defray the expenses of advertising. Such ;

~~which~~ sum shall be added to the total amount due on ~~such~~ the lands or town lots and be collected in the same manner as taxes are collected.".

3. Renumber the remaining section accordingly.

LEGISLATIVE RESOLUTION 5CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 20CA. Indefinitely postponed.

LEGISLATIVE BILL 86. Indefinitely postponed.
LEGISLATIVE BILL 210. Indefinitely postponed.
LEGISLATIVE BILL 420. Indefinitely postponed.
LEGISLATIVE BILL 734. Indefinitely postponed.
LEGISLATIVE BILL 925. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1232. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-1,101, 9-201, 9-203, 9-211, 9-212, 9-215, 9-216, 9-218, 9-222, 9-226, 9-227, 9-228, 9-229 to 9-233, 9-236, 9-242, 9-243, 9-244, 9-246, 9-247, 9-253, 9-257, 9-258, 9-259, 9-261, 9-301 to 9-304, 9-309, 9-310, 9-314, 9-322 to 9-328, 9-331, 9-333, 9-336, 9-338, 9-339, 9-340, 9-342 to 9-344, and 9-346 to 9-349, Revised Statutes Supplement, 1986, and sections 9-262 and 9-352, Revised Statutes Supplement, 1987; to define, redefine, and eliminate certain terms relating to bingo and pickle cards; to change provisions relating to the regulation of the Nebraska County and City Lottery Act; to provide the Department of Revenue with additional powers and duties; to change provisions relating to the awarding, denial, expiration, renewal, and suspension of certain bingo and pickle card licenses as prescribed; to provide for the classification of bingo licenses; to limit the amount of revenue generated from bingo and pickle card activity as prescribed; to change the limits on the value of prizes awarded as prescribed; to require certain persons and entities to be licensed as gaming managers and commercial lessors as prescribed; to restrict the leasing of certain premises as prescribed; to require payment of certain expenses by check; to change provisions relating to the

compensation of certain persons; to provide fees; to provide for the self-funding of bingo and lotteries by the sale of pickle cards as prescribed; to change a tax rate; to prohibit certain conflicts of interest; to provide for records and reports; to change and provide penalties; to eliminate a filing requirement; to eliminate sales agents and pickle card operators as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 9-224, 9-241, 9-316, 9-318, 9-320, and 9-329, Revised Statutes Supplement, 1986; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS
Agriculture

LB 1228	Tuesday, February 9, 1988	1:30 p.m.
LR 270CA	Tuesday, February 9, 1988	1:30 p.m.
LR 271CA	Tuesday, February 9, 1988	1:30 p.m.
LB 1158	Tuesday, February 16, 1988	1:30 p.m.
LB 1187	Tuesday, February 16, 1988	1:30 p.m.

(Signed) Rod Johnson, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 370, 435, 445, 670, 673, 673A, 674, and 676.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 445

The following changes, required to be reported for publication in the Journal, have been made:
ER0236
1. In the Standing Committee amendments, AM0665, adopted January 22, 1988, on page 1, line 9, "(1)" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 466. Title read. Considered.

Standing Committee amendments, AM0423, found in the Journal on page 981 for the Thirty-Ninth Day, First Session, 1987, were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. V. Johnson renewed his pending amendment, AM1771, found in the Journal on page 535.

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

MR. LAMB PRESIDING

Mr. V. Johnson moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Baack	Dierks	Johnson, R.	Marsh	Schellpeper
Bernard-Stevens	Hall	Johnson, V.	McFarland	Schmit
Chambers	Hannibal	Labedz	Miller	Weihing
Conway	Hartnett	Landis	Nelson	Wesely
Coordsen	Johanns	Langford	Pirsch	Withem

Voting in the negative, 16:

Abboud	Johnson, L.	Moore	Remmers	Smith
Elmer	Lamb	Morehead	Rogers	Warner
Goodrich	Lynch	Peterson	Scofield	Wehrbein
Hefner				

Present and not voting, 3:

Campbell	Higgins	Korshoj

Excused and not voting, 5:

Ashford	Barrett	Beyer	Chizek	Haberman

The V. Johnson amendment was adopted with 25 ayes, 16 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Lynch and Hefner moved to indefinitely postpone LB 466.

Mr. Abboud 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 Lynch-Hefner motion to indefinitely postpone.

Voting in the affirmative, 26:

Abboud	Elmer	Johnson, R.	Moore	Scofield
Bernard-Stevens	Hall	Korshoj	Nelson	Smith
	Hannibal	Lamb	Peterson	Warner
Conway	Hefner	Lynch	Remmers	Wehrbein
Coordsen	Johanns	Miller	Rogers	Weihing
Dierks	Johnson, L.			

Voting in the negative, 13:

Campbell	Hartnett	Landis	Morehead	Wesely
Chambers	Johnson, V.	Langford	Schmit	Withem
Goodrich	Labedz	Marsh		

Present and not voting, 5:

Baack	Higgins	McFarland	Pirsch	Schellpeper

Excused and not voting, 5:

Ashford	Barrett	Beyer	Chizek	Haberman

The Lynch-Hefner motion to indefinitely postpone prevailed with 26 ayes, 13 nays, 5 present and not voting, and 5 excused and not voting.

MOTION - Withdraw Amendments to LB 466

Mr. Hefner withdrew his pending amendment, AM1647, found in the Journal on page 335 to LB 466.

Mr. Lynch withdrew his pending amendment, AM1654, found in the Journal on page 324 to LB 466.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

LB 1224	Wednesday, February 17, 1988 (Cancelled)	1:30 p.m.
LB 1224	Friday, February 19, 1988 (Reset)	1:30 p.m.
LB 1180	Wednesday, February 17, 1988 (Cancelled)	1:30 p.m.
LB 1180	Friday, February 19, 1988 (Reset)	1:30 p.m.
LB 1227	Wednesday, February 17, 1988 (Cancelled)	1:30 p.m.
LB 1227	Friday, February 19, 1988 (Reset)	1:30 p.m.

(Signed) Don Wesely, Chairperson

Judiciary

LB 1178	Thursday, February 4, 1988 (Cancelled)	1:30 p.m.
LB 1178	Friday, February 26, 1988 (Reset)	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Education

LR 265CA	Monday, February 8, 1988	1:30 p.m.
LB 926	Monday, February 8, 1988	1:30 p.m.
LB 891	Monday, February 8, 1988	1:30 p.m.
LB 1142	Monday, February 8, 1988	1:30 p.m.
LB 1103	Tuesday, February 9, 1988	1:30 p.m.
LB 1104	Tuesday, February 9, 1988	1:30 p.m.
LB 1120	Tuesday, February 9, 1988	1:30 p.m.
LB 1225	Tuesday, February 9, 1988	1:30 p.m.
LB 835	Tuesday, February 16, 1988	1:30 p.m.
LB 859	Tuesday, February 16, 1988	1:30 p.m.
LB 1028	Tuesday, February 16, 1988	1:30 p.m.

LB 1193	Tuesday, February 16, 1988	1:30 p.m.
LB 1197	Tuesday, February 16, 1988	1:30 p.m.
LR 269CA	Monday, February 22, 1988	1:30 p.m.
LB 1210	Monday, February 22, 1988	1:30 p.m.
LB 1216	Monday, February 22, 1988	1:30 p.m.
LR 268CA	Tuesday, February 23, 1988	1:30 p.m.
LR 247CA	Tuesday, February 23, 1988	1:30 p.m.
LB 1218	Tuesday, February 23, 1988	1:30 p.m.
LB 1076	Monday, February 29, 1988	1:30 p.m.
LB 1068	Monday, February 29, 1988	1:30 p.m.
LB 1059	Monday, February 29, 1988	1:30 p.m.
LB 1003	Monday, February 29, 1988	1:30 p.m.
LB 898	Tuesday, March 1, 1988	1:30 p.m.
LB 1140	Tuesday, March 1, 1988	1:30 p.m.
LB 1141	Tuesday, March 1, 1988	1:30 p.m.
LB 979	Tuesday, March 1, 1988	1:30 p.m.
LB 1200	Tuesday, March 1, 1988	1:30 p.m.
March 22, 1988		12:30 p.m.

Program Review Coordinating Commission for Postsecondary Education

(Signed) Ron Withem, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 350 and 350A.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 190 in the Journal. No objections. So ordered.

AM1786

1. In the Scofield amendment, AM1566:

a. On page 1, line 5, after "oxygen" insert "by means of an oxygen concentrator"; in line 9 strike "registered" and insert "licensed"; and in line 19 after "administration" insert "by means of an oxygen concentrator" and after the semicolon insert "in line 20 after 'administration' insert 'by means of an oxygen concentrator';"; and

b. On page 2, line 2, after the semicolon insert "in line 6 after 'administration' insert 'by means of an oxygen concentrator';".

Mr. Hall asked unanimous consent to print the following amendment to LB 90 in the Journal. No objections. So ordered.

AM1783

1. On page 3, line 20, after the period insert "The defense attorney shall have an opportunity to evaluate the child and rebut the showing of compelling need produced by the prosecuting attorney by making application to the court for an independent examination by a professional psychiatrist or psychologist.".

Mr. Hall asked unanimous consent to print the following amendment to LB 90 in the Journal. No objections. So ordered.

AM1784

1. Insert the following new section:

"Sec. 4. (1) After the initial investigatory contact by authorities at the scene of circumstances giving rise to an investigation of a sexual offense punishable as a felony, any interview of a child as defined in section 3 of this act by any law enforcement personnel, the prosecuting attorney, or any other person assisting in the prosecution in the attempt to develop further the child's memory regarding any testimony for trial describing the sexual offense shall be voicetaped.

(2) If such voicetaping requirements have not been substantially complied with, the child's testimony otherwise allowed by section 3 of this act shall not be admissible at the trial.".

2. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 933. Placed on General File.
LEGISLATIVE BILL 984. Placed on General File.

LEGISLATIVE BILL 815. Placed on General File as amended.
Standing Committee amendments to LB 815:
AM1766

1. On page 21, line 19, strike "or other" and insert ", an agent or instrumentality of the United States".

2. On page 35, line 14, strike "less than" and insert "exceeding".

3. On page 37, strike beginning with "a" in line 18 through "year" in line 19 and insert "the rate specified in section 45-102, as such rate may from time to time be adjusted by the Legislature,".

4. On page 47, line 18, strike "unenforceable." and insert "enforceable if the fee or payment agreed on is not in excess of ten percent of the value of the recoverable property and the agreement is in writing and signed by the owner. Nothing in this section shall be construed to prevent an owner from asserting, at any time, that a written signed agreement to recover property is based on excessive or unjust consideration.".

LEGISLATIVE BILL 913. Placed on General File as amended.
Standing Committee amendment to LB 913:
AM1778

1. On page 2, line 12, before "reasonable" insert "commercially"; and in line 19 strike "periodic and" and after "transaction" insert "and monthly or annual".

LEGISLATIVE BILL 987. Placed on General File as amended.
Standing Committee amendment to LB 987:
AM1764

1. On page 3, line 17, strike "one" and insert "two" and strike "fifty".

LEGISLATIVE BILL 997. Placed on General File as amended.

Standing Committee amendment to LB 997:
AM1765

1. On page 2, line 14, after the period insert "This subsection shall apply to fraternal benefit societies but shall not apply to domestic assessment associations or unincorporated mutual associations.".

LEGISLATIVE BILL 998. Placed on General File as amended.
Standing Committee amendments to LB 998:
AM1716

1. On page 3, line 5, strike "and Sickness and Accident"; and strike beginning with the comma in line 10 through the comma in line 11 and show as stricken.

2. On page 4, line 1, strike "and Sickness and Accident" and show as stricken; and in lines 5, 9, and 19 and 20 strike "or limited indemnity".

3. On page 6, line 24, after the semicolon insert "and".

4. On page 7, line 1, strike "; and", show the old matter as stricken, and insert an underscored period; and strike lines 15 to 25 and show the old matter as stricken.

5. On page 10, lines 6 and 7, strike "and Sickness and Accident"; in lines 9 and 10 strike "and limited indemnity"; and in lines 11 and 12 strike "October 1, 1988" and insert "the effective date of this act".

6. On page 13, lines 16 and 17, strike "and limited indemnity policies"; and in line 22 strike "and Sickness and Accident".

7. On page 14, line 18, strike "or limited indemnity policy"; and strike beginning with "and" in line 21 through "44-3602" in line 22.

8. On page 15, line 8, strike "issue" and insert "adopt and promulgate"; and in lines 10 and 11 strike "and limited indemnity policies".

9. On page 18, line 7, strike "and limited indemnity"; in lines 12 and 13 strike "and limited indemnity policies"; and in line 25 strike "and Sickness and Accident".

10. On page 19, line 23 and 24 and 24 and 25, strike "or limited indemnity".

11. On page 20, line 9, strike "preeminence"

and insert "prominence".

12. On page 22, strike beginning with the second "and" in line 7 through the first comma in line 8.

13. On page 23, line 6, strike "and limited indemnity".

14. On page 24, line 22, strike "and Sickness and Accident".

15. On page 25, line 4, strike "and Sickness and Accident".

16. Strike original section 11.

17. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1021. Placed on General File as amended.
Standing Committee amendments to LB 1021:
AM1773

1. On page 3, line 22, after "from" insert "limited partnerships and other"; and in line 23, strike "a" and insert "an investment or".

2. On page 5, strike lines 4 through 25 and insert:

"(2)(a) Except as provided in subdivision (1)(a) of this section, if a trustee holds all or any part of the principal as a limited partner, or in any other form of investment or business in which the trustee does not have control, including an agricultural or farming operation, the actual distributions of cash or other assets from the limited partnership or other form of investment or business shall be considered income except as provided in subdivisions (b) to (d) of this subsection.

(b) Except to the extent that the limited partnership indicates that all or part of a distribution is not a return of capital, a distribution from a limited partnership is principal to the extent the distribution:

(i) Is pursuant to a liquidation, dissolution, or termination of the limited partnership;

(ii) Is pursuant to a liquidation or termination of all or part of the trust's interest in the limited partnership; or

(iii) Exceeds the trust's distributive share of the limited partnership's taxable income during any

fiscal year of the limited partnership.

(c) A distribution from any other form of investment or business in which the trustee does not have control is principal to the extent that:

(i) The investment or business indicates that the distribution or any portion thereof is a return of capital; or

(ii) The trustee has knowledge that the distribution or any portion thereof is a return of capital.

(d) A distribution from a limited partnership, or other form of investment or business in which the trustee does not have control, is principal to the extent the trustee uses the distributed funds to pay tax on a share of the undistributed income of the limited partnership, investment, or business.

(3) For purposes of this section, a trustee does not have control of an investment or business interest if the trustee, in exercising the ownership interests of the trust, does not have the sole authority to determine the amount and timing of distributions from the investment or business. Under no circumstances shall a trustee be deemed to have control of a limited partnership if the trust holds an interest in the limited partnership solely as a limited partner.".

3. On page 6, strike lines 1 through 14.

LEGISLATIVE BILL 1025. Placed on General File as amended.
Standing Committee amendments to LB 1025:
AM1772

1. Insert the following new section:

"Sec. 2. That section 77-2320, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2320. In lieu of a bond as provided in sections 77-2316 to 77-2319, any bank making application to become a depository under ~~the provisions of~~ sections 77-2312 to 77-2324 may: (1) Deposit ~~deposit~~ with the county clerk ~~(1)~~ (a) United States Government bonds, (b) ~~;(2)~~ United States Government guaranteed bonds or notes, (c) ~~;(3)~~ bonds or notes of United States Governmental agencies including bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate

credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration, (d) ~~;(4)~~ bonds of any state or municipal subdivision which are fully defeased as to principal and interest by any combination of bonds or notes provided in subdivisions ~~(1) to (3)~~ (a) to (c) of this ~~section; (5)~~ subdivision, (e) bonds of the State of Nebraska or of any state whose bonds are purchased by the state investment officer of this state for investment of the Permanent School Fund, (f) ~~;(6)~~ warrants of the State of Nebraska, (g) ~~;(7)~~ county bonds, municipal bonds, or school district bonds of any county, city, village, or school district in the State of Nebraska issued under the direction of and with the approval of the Auditor of Public Accounts, (h) ~~;(8)~~ securities issued under the authority of the Federal Farm Loan Act, ; or ~~(9)~~ (i) warrants of the county or any city, village, or school district in the county; or (2) pledge or grant a security interest in assets of the bank as provided in section 77-2318.01.".

2. On page 3, line 4, after "or" insert "a grant of a".

3. On page 6, line 25, after "77-2318.01" insert ", 77-2320,".

4. Renumber the remaining sections accordingly.

(Signed) R. W. Remmers, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 170. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dr. Stuart Embury from Holdrege and Ken Gross; Phillip Armstrong, Michael Kimberly, and Leo Schilz from Ogallala; Ken Conley and Ed Haddix from Bellevue; Lester Rhoades from Ogallala; Senator Coordsen's wife, Janet, and son, Kevin; and Mr. and Mrs. Harold Johnson and Gladys Koeppel from Auburn.

ADJOURNMENT

At 11:57 a.m., on a motion by Mrs. Nelson, the Legislature adjourned until 9:00 a.m., Friday, January 29, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 29, 1988

LEGISLATIVE JOURNAL

SIXTEENTH DAY - JANUARY 29, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 29, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Richard Johnson, Temple Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Haberman who was excused; and Messrs. Ashford, Chambers, Hall, V. Johnson, Landis, Mrs. Higgins, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of LB 1232, Governor appointments, and Board of Trustees appointment.

LB	Committee
1232	General Affairs

Business and Labor
Jeffery L. Orr - Commission on Industrial Relations
Dean G. Kratz - Commission on Industrial Relations

Health and Human Services
Marilyn Wartig - Rural Health Manpower
Dr. Joe L. Williams - State Board of Health

Appropriations
Request from Board of Trustees of Nebraska State Colleges for NE Legislature to approve Revenue Bonds for construction of a Student Center Facility at Chadron State College.

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 1163	Wednesday, February 10, 1988	1:30 p.m.
LB 1175	Wednesday, February 10, 1988	1:30 p.m.
LB 855	Wednesday, February 10, 1988	1:30 p.m.
LB 1183	Wednesday, February 10, 1988	1:30 p.m.
LB 1138	Thursday, February 11, 1988	1:30 p.m.
LB 1112	Thursday, February 11, 1988	1:30 p.m.
LB 873	Thursday, February 11, 1988	1:30 p.m.
LB 1050	Thursday, February 11, 1988	1:30 p.m.
LB 1201	Thursday, February 11, 1988	1:30 p.m.
LB 1072	Wednesday, February 17, 1988	1:30 p.m.
LB 1122	Wednesday, February 17, 1988	1:30 p.m.
LB 848	Thursday, February 18, 1988	1:30 p.m.
LB 894	Thursday, February 18, 1988	1:30 p.m.
LB 952	Thursday, February 18, 1988	1:30 p.m.
LB 1018	Thursday, February 18, 1988	1:30 p.m.
LB 914	Wednesday, February 24, 1988	1:30 p.m.
LB 915	Wednesday, February 24, 1988	1:30 p.m.
LB 999	Wednesday, February 24, 1988	1:30 p.m.
LB 1086	Wednesday, February 24, 1988	1:30 p.m.

LB 895	Thursday, February 25, 1988	1:30 p.m.
LB 1024	Thursday, February 25, 1988	1:30 p.m.
LB 1121	Thursday, February 25, 1988	1:30 p.m.

(Signed) Vard R. Johnson, Chairperson

Urban Affairs

LB 973	Tuesday, February 9, 1988	1:30 p.m.
LB 1155	Tuesday, February 9, 1988	1:30 p.m.
LB 1156	Tuesday, February 9, 1988	1:30 p.m.
LB 1211	Tuesday, February 9, 1988	1:30 p.m.
LB 1153	Tuesday, February 16, 1988	1:30 p.m.
LB 1154	Tuesday, February 16, 1988	1:30 p.m.
LB 1190	Tuesday, February 16, 1988	1:30 p.m.
LB 932	Tuesday, February 16, 1988	1:30 p.m.
LB 1196	Tuesday, February 23, 1988	1:30 p.m.
LB 1058	Tuesday, February 23, 1988	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Banking, Commerce and Insurance

LB 935	Monday, February 8, 1988	1:30 p.m.
LB 1102	Monday, February 8, 1988	1:30 p.m.
LB 1220	Monday, February 8, 1988	1:30 p.m.
LB 826	Tuesday, February 9, 1988	1:30 p.m.
LB 830	Tuesday, February 9, 1988	1:30 p.m.
LB 889	Tuesday, February 9, 1988	1:30 p.m.
LB 917	Tuesday, February 16, 1988	1:30 p.m.
LB 1066	Tuesday, February 16, 1988	1:30 p.m.
LB 1171	Monday, February 22, 1988	1:30 p.m.
LB 1189	Monday, February 22, 1988	1:30 p.m.
LB 1209	Monday, February 22, 1988	1:30 p.m.

(Signed) R. W. Remmers, Chairperson

MOTION - Approve Appointment

Mr. Baack 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 542: Major General Stanley M. Heng - Adjutant General, Military Department and Civil Defense Director in and for the State of Nebraska.

Voting in the affirmative, 36:

Abboud	Conway	Johanns	Moore	Schellpeper
Baack	Coordsen	Johnson, L.	Morehead	Schmit
Barrett	Dierks	Lamb	Nelson	Smith
Bernard-Stevens	Elmer	Lynch	Peterson	Warner
	Goodrich	Marsh	Pirsch	Wehrbein
Beyer	Hannibal	McFarland	Remmers	Weihing
Campbell	Hartnett	Miller	Rogers	Wesely
Chizek	Hefner			

Voting in the negative, 0.

Present and not voting, 5:

Johnson, R.	Korshoj	Labedz	Langford	Withem

Excused and not voting, 8:

Ashford	Haberman	Higgins	Landis	Scofield
Chambers	Hall	Johnson, V.		

The appointment was confirmed with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 273. Read. Considered.

LR 273 was adopted with 31 ayes, 0 nays, and 18 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 693 in the Journal. No objections. So ordered.

AM1802
1 1. In the Wesely amendment, AM1586, adopted

January 11, 1988:

a. On page 6, line 16, strike "and" and insert an underscored comma; in line 17 after "health" insert an underscored comma; and in line 20 after the semicolon insert "patient services and care; health and social service delivery systems;" and strike "patient" and insert "a";

b. On page 9, line 8, strike "subsection (1)" and insert "subdivision (1)(a)";

c. On page 12, line 8, strike "registration" and insert "licensure";

d. Insert the following new section:

"Sec. 17. That section 76-1304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1304. Unless the method of disposition is adopted for the purpose of evasion of the provisions of sections 76-1301 to 76-1315, ~~the~~ such provisions ~~of sections 76-1301 to 76-1315 do~~ shall not apply to offers or dispositions of an interest in land by a purchaser of subdivided lands for his or her own account in a single or isolated transaction, nor shall ~~the~~ such provisions ~~of sections 76-1301 to 76-1315~~ apply to the following:

(1) Offers or dispositions of evidences of indebtedness secured by a mortgage or deed of trust of real estate;

(2) Offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any state or federal statute;

(3) The sale or lease of real estate under or pursuant to court order;

(4) The disposition in any manner whatsoever of any unit of public housing under the administrative jurisdiction of a local public housing authority;

(5) Offers or dispositions of securities currently registered with the Director of Banking and Finance and under the provisions of the Securities Act of Nebraska; and

(6) Homes for the aged or infirm~~;~~ or nursing homes licensed by the Department of Health pursuant to sections ~~71-2041 to 71-2045~~ 71-2017 to 71-2029.";

e. On page 31, line 18, strike "and" and after the second comma insert "and 76-1304,"; and

f. Renumber the remaining section accordingly.

NOTICE OF COMMITTEE HEARINGS
Appropriations

Monday, February 1, 1988 1:30 p.m.

Consideration of the State College Board of Trustees proposal to issue bond anticipation notes to finance construction of a student union at Chadron State College will be held in conjunction with the agency budget hearing scheduled on Monday, February 1, 1988, at 1:30 p.m.

(Signed) Jerome Warner, Chairperson

General Affairs

LB 827	Monday, February 8, 1988	1:30 p.m.
LB 960	Monday, February 8, 1988	1:30 p.m.
LB 1214	Monday, February 8, 1988	1:30 p.m.
LB 1232	Monday, February 8, 1988	1:30 p.m.

(Signed) Patricia S. Morehead, Chairperson

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 111.

A BILL FOR AN ACT relating to jury lists; to amend section 25-1628, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to lists provided by election officers and the Department of Motor Vehicles; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Beyer	Coordsen	Hartnett	Johnson, V.
Baack	Campbell	Dierks	Hefner	Korshoj
Barrett	Chambers	Elmer	Johanns	Labedz
Bernard-Stevens	Chizek	Goodrich	Johnson, L.	Lamb
	Conway	Hannibal	Johnson, R.	Langford

Lynch	Moore	Pirsch	Schmit	Wehrbein
Marsh	Morehead	Remmers	Scofield	Weihing
McFarland	Nelson	Rogers	Smith	Wesely
Miller	Peterson	Schellpeper	Warner	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Ashford	Haberman	Hall	Higgins	Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 117 to Select File

Mrs. Pirsch moved to return LB 117 to Select File for the following specific amendment:
AM1738

(Amendments to Final Reading Copy)

1. On page 10, line 18, strike "obscene" and insert "sexually explicit".

The Pirsch motion to return prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 117. The Pirsch specific amendment, AM1738, found in this day's Journal was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 191 to Select File

Mr. Bernard-Stevens moved to return LB 191 to Select File for the following specific amendment:
to add the Emergency clause.

The Bernard-Stevens motion to return prevailed with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 191. The Bernard-Stevens specific amendment found in this day's Journal was adopted with 35 ayes, 2 nays, 8 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 362.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1410, Reissue Revised Statutes of Nebraska, 1943; to change training center admission requirements; and to repeal the original section.

Whereupon the 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	Chizek	Higgins	Lynch	Schellpeper
Ashford	Conway	Johnson, L.	McFarland	Schmit
Baack	Coordsen	Johnson, R.	Miller	Scofield
Barrett	Dierks	Johnson, V.	Moore	Smith
Bernard-Stevens	Elmer	Korshoj	Morehead	Warner
	Goodrich	Labedz	Nelson	Wehrbein
Beyer	Hannibal	Lamb	Peterson	Weihing
Campbell	Hartnett	Landis	Pirsch	Withem
Chambers	Hefner	Langford	Rogers	

Voting in the negative, 0.

Present and not voting, 4:

Johanns	Marsh	Remmers	Wesely

Excused and not voting, 2:

Haberman	Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 377 to Select File

Mr. McFarland moved to return LB 377 to Select File for the following specific amendment:
Strike Section 3.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 12 nays, and 10 not voting.

The McFarland motion to return lost with 3 ayes, 28 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Hall asked unanimous consent to pass over LB 377. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

On pg. 14, line 22 after "operators" strike "conviction or plea of guilty" and insert "conviction, plea of guilty, or found innocent to the"

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 419. Placed on Select File as amended.
E & R amendments to LB 419:
AM5306

1. On page 1, line 5, strike "reservation of" and insert "an entitlement to"; and in line 6 after

"spouse" insert "as prescribed".

2. On page 2, line 12, after "Act" insert a comma; and in lines 18 and 25 strike "1987" and insert "1988".

3. Strike original sections 2 to 8 and all amendments thereto and insert the following new sections:

"Sec. 2. For purposes of determining medical assistance eligibility and the right to and obligation of medical support pursuant to sections 68-716, 68-1020, and 68-1026, a qualified applicant's spouse shall be entitled to a portion of the aggregate assets of such spouse and the qualified applicant, whether owned jointly or singly. Subject to section 8 of this act, if a qualified applicant and such applicant's spouse exercise their right to such entitlement for the applicant's spouse:

(1) Only the assets to which the applicant's spouse is not entitled shall be considered in determining eligibility for medical assistance;

(2) In determining the eligibility of the applicant, the director shall not take into account the assets to which the applicant's spouse is entitled and shall not require proof of adequate consideration for any assignment made as a result of the entitlement to assets;

(3) The assets to which the applicant's spouse is entitled shall not be considered to be available to the applicant for future medical support and the applicant's spouse shall have no duty of future medical support of the applicant from such assets;

(4) Neither the director nor the state may recover from the assets to which the applicant's spouse is entitled any amount paid for future medical assistance provided to the applicant; and

(5) Neither the director nor the state shall be subrogated to or assigned any future right of the applicant to medical support from the assets to which the applicant's spouse is entitled.

Sec. 3. For purposes of determining the right to and obligation of medical support pursuant to sections 68-716, 68-1020, and 68-1026, a qualified recipient's spouse shall be entitled to a portion of the aggregate assets of such spouse and the qualified

recipient, whether owned jointly or singly. Subject to section 8 of this act, if a qualified recipient and such recipient's spouse exercise their right to such entitlement for the recipient's spouse:

(1) The assets to which the recipient's spouse is entitled shall not be considered to be available to the recipient for future medical support and the recipient's spouse shall have no duty of future medical support of the recipient from such assets;

(2) Neither the director nor the state may recover from the assets to which the recipient's spouse is entitled any amount paid for future medical assistance provided to the recipient; and

(3) Neither the director nor the state shall be subrogated to or assigned any future right of the recipient to medical support from the assets to which the recipient's spouse is entitled.

Sec. 4. If a qualified applicant or recipient and such applicant's or recipient's spouse choose to exercise their right to the spouse's entitlement pursuant to section 2 or 3 of this act, the spouse shall be entitled to assets having a combined value of one-half of the value of the aggregate assets, up to a combined value of twenty-five thousand dollars.

Sec. 5. An exercise of the right to an entitlement to assets pursuant to section 2 or 3 of this act shall be evidenced by a written and signed interspousal agreement to designate such assets and to make any transfers necessary to carry out the entitlement. In the case of a qualified applicant, a copy of such agreement shall be provided to the director at the time of application and the entitlement shall apply to assets owned as of the date of application. In the case of a qualified recipient, such agreement shall be provided to the director on or before January 1, 1989, and the entitlement shall apply to assets owned as of October 1, 1988. Failure to complete any transfers necessary to carry out the agreement within a reasonable time specified by rules and regulations of the director may render a person ineligible for assistance in accordance with such rules and regulations.

Sec. 6. The Department of Social Services shall furnish to each qualified applicant for and each qualified recipient of medical assistance a clear and

simple written statement that the applicant's or recipient's spouse is entitled to a portion of the aggregate assets of such spouse and the applicant or recipient as provided in sections 2 and 3 of this act and that, because of such entitlement, the assets to which the spouse is entitled will not be considered in determining eligibility and the spouse will not be required to use such assets to provide future medical support to the applicant or recipient.

Sec. 7. Once an applicant for or recipient of medical assistance has exercised the right to an entitlement to a portion of the assets for a spouse pursuant to section 2 or 3 of this act, such applicant or recipient may not thereafter again exercise such right for such spouse or any subsequent spouse.

Sec. 8. If a recipient of medical assistance and such recipient's spouse have exercised their right to an entitlement to a portion of their assets for the spouse as provided by section 2 or 3 of this act, upon the death of the recipient or the recipient's spouse, the total amount paid for medical assistance provided to the recipient, without interest, shall be filed as a claim against the estate. The claim shall be considered as the type of claim specified in subdivision (a)(4) of section 30-2487.".

4. On page 7, lines 17 and 23, strike the first and second commas and show as stricken; and in line 18 strike "be", show as stricken, and insert "is".

5. On page 8, lines 3 to 7; and page 9, lines 8 to 12, strike the new matter and all amendments thereto and insert "An exercise of the right to an entitlement to assets for an individual in accordance with section 2 or 3 of this act shall be considered just cause for failure to use the assets to which the individual is entitled to provide medical support of such individual's spouse.".

6. On page 10, line 14, strike "either", show as stricken, and insert "any".

7. On page 13, strike lines 11 to 15 and all amendments thereto and insert

"If an individual and such individual's disabled spouse have exercised their right to an entitlement to assets for the individual in accordance with section 2 or 3 of this act, assets to which the

individual is entitled shall not be considered in determining eligibility for support.".

LEGISLATIVE BILL 419A. Placed on Select File as amended.
E & R amendment to LB 419A:
AM5305

1. On page 1, line 3, strike "First Session, 1987" and insert "Second Session, 1988".

LEGISLATIVE BILL 758. Placed on Select File as amended.
E & R amendments to LB 758:
AM5304

1. In the Standing Committee amendments, AM0736, adopted January 27, 1988, on page 1, line 7, strike "therein"; and in line 8 after the comma insert "may".

2. On page 1, line 2, strike "36-609" and insert "36-613"; and in line 4 strike "rights" and insert "claims; to harmonize provisions".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 162 in the Journal. No objections. So ordered.

AM1798

1. On page 2, line 8, reinstate the stricken matter and strike "two"; and in line 9 strike "judges".

ATTORNEY GENERAL'S OPINION

Opinion No. 88004

DATE: January 28, 1988

SUBJECT: Whether LB 1146 adequately protects workers' compensation beneficiaries in the event of bankruptcy by a self-insured employer.

REQUESTED BY: Senator Timothy J. Hall
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Yvonne E. Gates, Assistant Attorney General

The issue of whether trust assets are property of the estate in the debtor's bankruptcy proceedings has been litigated considerably in various jurisdictions. To determine if the debtor has any interest in trust assets the court examines the trust document and assesses the trustor's property rights based on state statutes. The majority of those cases involve situations where the debtor is the beneficiary of the trust, as in spendthrift trusts. Those courts held the trust assets are not property of the estate. See, In the Matter of Rueben Leimer, 54 B.R. 587 (Neb. 1985). Yet, in those cases where the trustor declared bankruptcy and was also a beneficiary of the trust, as in retirement trusts, the courts have found the assets to be included in the bankruptcy estate. See In Re Shuman, 68 B.R. 290 (Nev. 1986); In Re Goff, 812 F.2d 931 (1987). Where the trustor has no legal or equitable interest in the trust, trust assets are clearly not property of the estate. George v. Kitchens by Rice Brothers, 665 F.2d 7 (1981); In the Matter of Lenk, 48 B.R. 867 (DC 1985).

The correctness of this application of the bankruptcy code is clearly established by the legislative history which indicates: "However, only the debtor's interest in such property becomes property of the estate. If the debtor holds bare legal title or holds property in trust for another, only those rights which the debtor would have otherwise had emanating from such interest pass to the estate under section 541." 124 Cong.Rec. H32399, (September 28, 1978) (remarks of Rep. Edwards); 124 Cong Rec. S33999, (October 5, 1978) (remarks of Senator DeConcini).

LB 1146 §2 attempts to legislate the degree of interest retained by the debtor/trustor in the event of bankruptcy, regardless of the provisions in the trust document. Yet, the determination of what property constitutes property of the debtor's estate is made exclusively by application of the Federal Bankruptcy Code. See, Elliott v. Bumb, 356 F.2d 749 (1966).

11 U.S.C. § 541(a) explicitly states "Such estate is comprised of all the following property, wherever located and by whomever held: (1) Except as provided in subsections (b) and (c)(2) of this section, all legal or equitable interests of the debtor in property as of the commencement of the case." Therefore, whatever rights the debtor is granted in the trust assets by the trust agreement will become property of the bankruptcy estate. In those situations where the trustor retains any interest in the trust assets and becomes insolvent, LB 1146 § 2 does not totally protect workers' compensation

beneficiaries. The trust document controls to what extent and how adequately beneficiaries are protected.

However, there are exceptions to what property enters the debtor's estate. 11 U.S.C. § 541 (c)(1) directs

> (c)(1) Except as provided in paragraph (2) of this subsection, an interest of the debtor in property becomes property of the estate under subsection (a)(1), (a)(2), or (a)(5) of this section notwithstanding any provision in an agreement, transfer instrument, or applicable nonbankruptcy law--
>
> (A) that restricts or conditions transfer of such interest by the debtor; or
>
> (B) that is conditioned on the insolvency or financial condition of the debtor, on the commencement of a case under this title, or on the appointment of or taking possession by a trustee in a case under this title or a custodian before such commencement, and that effects or gives an option to effect a forfeiture, modification, or termination of the debtor's interest in property.
>
> (2) A restriction on the transfer of a beneficial interest of the debtor in a trust that is enforceable under applicable nonbankruptcy law is enforceable in a case under this title. (Underscoring added.)

Paragraph 2 has been used as the justification for the rulings in the spendthrift trust cases. Since this is a question of first impression, we cannot say with any degree of certainty that the language of LB 1146 §2, would qualify for the exception permitted by paragraph 2. Because LB 1146 §2 is conditioned on the debtor's insolvency and attempts to exclude the trust assets from the debtor's estate (which is not enforceable under nonbankruptcy law) we believe it is unenforceable.

An alternative would be for the statute to require that any security, indemnity, trust agreement or bond under this section must include provisions restricting beneficial interest to those of the employees of the self insurer, regardless of the solvency or insolvency of the employer. Such language is more likely to qualify for a paragraph 2 exception and adequately protect the workers' compensation beneficiaries to the same extent as spendthrift trust beneficiaries.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Yvonne E. Gates
Assistant Attorney General

13-75-2

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 836A. Introduced by Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 836, Ninetieth Legislature, Second Session, 1988.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 478.

A BILL FOR AN ACT relating to grand juries; to amend section 29-1401.01, Reissue Revised Statutes of Nebraska, 1943; to provide for printed names on grand jury petitions; and to repeal the original section.

Whereupon the 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	Conway	Johanns	McFarland	Schellpeper
Ashford	Coordsen	Johnson, L.	Miller	Schmit
Baack	Dierks	Johnson, V.	Moore	Scofield
Barrett	Elmer	Korshoj	Morehead	Smith
Bernard-Stevens	Goodrich	Labedz	Nelson	Warner
Beyer	Hall	Lamb	Peterson	Wehrbein
Campbell	Hannibal	Landis	Pirsch	Weihing
Chambers	Hartnett	Langford	Remmers	Wesely
Chizek	Hefner	Lynch	Rogers	Withem
	Higgins	Marsh		

Voting in the negative, 0.

Excused and not voting, 2:

Haberman Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 550. With Emergency.

A BILL FOR AN ACT relating to liquors; to amend sections 53-131, 53-133, and 53-134, Revised Statutes Supplement, 1986; to change provisions relating to retail licenses; to change a hearing date requirement; 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	Conway	Johnson, L.	McFarland	Schellpeper
Ashford	Coordsen	Johnson, V.	Miller	Schmit
Baack	Elmer	Korshoj	Moore	Scofield
Barrett	Goodrich	Labedz	Morehead	Smith
Bernard-Stevens	Hall	Lamb	Nelson	Warner
	Hannibal	Landis	Peterson	Wehrbein
Beyer	Hartnett	Langford	Pirsch	Weihing
Campbell	Hefner	Lynch	Remmers	Wesely
Chambers	Higgins	Marsh	Rogers	Withem
Chizek	Johanns			

Voting in the negative, 1:

Dierks

Excused and not voting, 2:

Haberman 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.

LEGISLATIVE BILL 788.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-141, Revised Statutes Supplement, 1987; to correct a reference to the Federal Housing Administration; and to repeal the original section.

Whereupon the 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	Conway	Johanns	McFarland	Schellpeper
Ashford	Coordsen	Johnson, L.	Miller	Schmit
Baack	Dierks	Johnson, V.	Moore	Scofield
Barrett	Elmer	Korshoj	Morehead	Smith
Bernard-Stevens	Goodrich	Labedz	Nelson	Warner
	Hall	Lamb	Peterson	Wehrbein
Beyer	Hannibal	Landis	Pirsch	Weihing
Campbell	Hartnett	Langford	Remmers	Wesely
Chambers	Hefner	Lynch	Rogers	Withem
Chizek	Higgins	Marsh		

Voting in the negative, 0.

Excused and not voting, 2:

Haberman Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 789.

A BILL FOR AN ACT relating to apportionment; to amend sections 5-104.04, 5-108.01, and 5-215, Reissue Revised Statutes of Nebraska, 1943; to transfer provisions relating to election of members of the Legislature and residency requirements for candidacy for certain public offices; to correct a reference to the name of a street; to eliminate a provision on the number of members of the Legislature; to eliminate obsolete provisions relating to Supreme Court judicial districts; and to repeal the original sections, and also sections

5-103.01, 5-109.01, and 5-110, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Conway	Johnson, L.	McFarland	Schellpeper
Ashford	Coordsen	Johnson, V.	Miller	Schmit
Baack	Dierks	Korshoj	Moore	Scofield
Barrett	Elmer	Labedz	Morehead	Smith
Bernard-Stevens	Goodrich	Lamb	Nelson	Warner
	Hall	Landis	Peterson	Wehrbein
Beyer	Hannibal	Langford	Pirsch	Weihing
Campbell	Hefner	Lynch	Remmers	Wesely
Chambers	Higgins	Marsh	Rogers	Withem
Chizek	Johanns			

Voting in the negative, 0.

Present and not voting, 1:

Hartnett

Excused and not voting, 2:

Haberman Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 791.

A BILL FOR AN ACT relating to civil rights; to amend section 20-116, Reissue Revised Statutes of Nebraska, 1943; to correct a reference to a repealed section; and to repeal the original section.

Whereupon the 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	Conway	Johnson, L.	McFarland	Schellpeper
Ashford	Coordsen	Johnson, V.	Miller	Schmit
Baack	Dierks	Korshoj	Moore	Scofield
Barrett	Elmer	Labedz	Morehead	Smith
Bernard-Stevens	Goodrich	Lamb	Nelson	Warner
Beyer	Hall	Landis	Peterson	Wehrbein
Campbell	Hannibal	Langford	Pirsch	Weihing
Chambers	Hefner	Lynch	Remmers	Wesely
Chizek	Higgins	Marsh	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Hartnett Johanns

Excused and not voting, 2:

Haberman Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 792.

A BILL FOR AN ACT relating to utility service; to amend sections 18-417, 19-2702 to 19-2706, 19-2708 to 19-2711, and 19-2713 to 19-2717, Reissue Revised Statutes of Nebraska, 1943; to transfer and combine provisions relating to denial or discontinuance of service; and to repeal the original sections, and also sections 19-2707 and 19-2712, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Ashford	Baack	Barrett

Bernard-Stevens	Elmer	Johnson, V.	Miller	Schellpeper
Beyer	Goodrich	Korshoj	Moore	Schmit
Campbell	Hall	Labedz	Morehead	Scofield
Chambers	Hannibal	Lamb	Nelson	Smith
Chizek	Hartnett	Landis	Peterson	Wehrbein
Conway	Hefner	Langford	Pirsch	Weihing
Coordsen	Higgins	Lynch	Remmers	Wesely
Dierks	Johanns	Marsh	Rogers	Withem
	Johnson, L.	McFarland		

Voting in the negative, 0.

Excused and not voting, 3:

Haberman Johnson, R. Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 793.

A BILL FOR AN ACT relating to the Nebraska Armory Board; to amend sections 14-520, 15-201, 16-201, 16-202, 17-503, and 18-1004, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to the board which was repealed by Laws 1971, LB 94; to eliminate a provision relating to a transfer of funds in 1971; and to repeal the original sections, and also section 55-131.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Chambers	Hannibal	Labedz	Moore
Ashford	Chizek	Hartnett	Lamb	Morehead
Baack	Conway	Hefner	Landis	Nelson
Barrett	Coordsen	Higgins	Langford	Peterson
Bernard-Stevens	Dierks	Johanns	Lynch	Pirsch
Beyer	Elmer	Johnson, L.	Marsh	Remmers
Campbell	Goodrich	Johnson, V.	McFarland	Rogers
	Hall	Korshoj	Miller	Schellpeper

Schmit	Smith	Weihing	Wesely	Withem
Scofield	Wehrbein			

Voting in the negative, 0.

Excused and not voting, 3:

Haberman Johnson, R. Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 794.

A BILL FOR AN ACT relating to the Nebraska Municipal Cooperative Financing Act; to amend sections 18-2458 and 18-2459, Reissue Revised Statutes of Nebraska, 1943; to change references to statutes which were repealed by Laws 1976, LB 1005; and to repeal the original sections.

Whereupon the 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	Conway	Johanns	Marsh	Rogers
Ashford	Coordsen	Johnson, L.	McFarland	Schellpeper
Baack	Dierks	Johnson, V.	Miller	Schmit
Barrett	Elmer	Korshoj	Moore	Scofield
Bernard-Stevens	Goodrich	Labedz	Morehead	Smith
	Hall	Lamb	Nelson	Wehrbein
Beyer	Hannibal	Landis	Peterson	Weihing
Campbell	Hartnett	Langford	Pirsch	Wesely
Chambers	Hefner	Lynch	Remmers	Withem
Chizek	Higgins			

Voting in the negative, 0.

Excused and not voting, 3:

Haberman Johnson, R. Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 795.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-417, 8-817, 8-1002, 8-1106, and 8-1508, Reissue Revised Statutes of Nebraska, 1943, and section 45-101.04, Revised Statutes Supplement, 1986; to correct internal references relating to the registration of certain securities and securities companies; to change a provision relating to the sale of checks; to correct a reference to the Director of Banking and Finance; to transfer a provision relating to banks and trust companies; to eliminate a provision authorizing appointment of trust companies as conservators; to eliminate a provision governing certain lawsuits under securities laws; to eliminate a provision relating to organization of credit unions; to eliminate a reference to a nonexistent act; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections, and also sections 8-1124 and 21-17,119, Reissue Revised Statutes of Nebraska, 1943, and section 8-207.01, Revised Statutes Supplement, 1986.

Whereupon the 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	Conway	Johanns	Marsh	Rogers
Ashford	Coordsen	Johnson, L.	McFarland	Schellpeper
Baack	Dierks	Johnson, V.	Miller	Schmit
Barrett	Elmer	Korshoj	Moore	Scofield
Bernard-Stevens	Goodrich	Labedz	Morehead	Smith
	Hall	Lamb	Nelson	Wehrbein
Beyer	Hannibal	Landis	Peterson	Weihing
Campbell	Hartnett	Langford	Pirsch	Wesely
Chambers	Hefner	Lynch	Remmers	Withem
Chizek	Higgins			

Voting in the negative, 0.

Excused and not voting, 3:

Haberman	Johnson, R.	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 796.

A BILL FOR AN ACT relating to municipalities; to amend section 17-307, Reissue Revised Statutes of Nebraska, 1943, and section 17-311, Revised Statutes Supplement, 1986; to delete an internal reference to a repealed statute; to delete an internal reference to a nonexistent statute; 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	Conway	Johanns	Marsh	Rogers
Ashford	Coordsen	Johnson, L.	McFarland	Schellpeper
Baack	Dierks	Johnson, V.	Miller	Schmit
Barrett	Elmer	Korshoj	Moore	Scofield
Bernard-Stevens	Goodrich	Labedz	Morehead	Smith
	Hall	Lamb	Nelson	Wehrbein
Beyer	Hannibal	Landis	Peterson	Weihing
Campbell	Hartnett	Langford	Pirsch	Wesely
Chambers	Hefner	Lynch	Remmers	Withem
Chizek	Higgins			

Voting in the negative, 0.

Excused and not voting, 3:

Haberman Johnson, R. Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 797.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1245, 81-1246, 81-1251, 81-1255, 81-1257 to 81-1260, 81-1262, and 81-1263, Reissue Revised

Statutes of Nebraska, 1943; to eliminate references to a repealed section; and to repeal the original sections.

Whereupon the 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	Conway	Higgins	Lynch	Remmers
Ashford	Coordsen	Johanns	Marsh	Rogers
Baack	Dierks	Johnson, L.	McFarland	Schellpeper
Barrett	Elmer	Johnson, V.	Miller	Schmit
Bernard-Stevens	Goodrich	Korshoj	Moore	Scofield
	Hall	Labedz	Morehead	Smith
Beyer	Hannibal	Lamb	Nelson	Wehrbein
Campbell	Hartnett	Landis	Peterson	Wesely
Chambers	Hefner	Langford	Pirsch	Withem
Chizek				

Voting in the negative, 0.

Present and not voting, 1:

Weihing

Excused and not voting, 3:

Haberman Johnson, R. Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 798.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-844, Reissue Revised Statutes of Nebraska, 1943; to eliminate a reference to a section of the Nebraska Constitution that was repealed in 1972; and to repeal the original section.

Whereupon the 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	Conway	Johanns	Marsh	Rogers
Ashford	Coordsen	Johnson, L.	McFarland	Schellpeper
Baack	Dierks	Johnson, V.	Miller	Schmit
Barrett	Elmer	Korshoj	Moore	Scofield
Bernard-Stevens	Goodrich	Labedz	Morehead	Smith
Beyer	Hall	Lamb	Nelson	Wehrbein
Campbell	Hannibal	Landis	Peterson	Weihing
Chambers	Hartnett	Langford	Pirsch	Wesely
Chizek	Hefner	Lynch	Remmers	Withem
	Higgins			

Voting in the negative, 0.

Excused and not voting, 3:

Haberman Johnson, R. Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 799.

A BILL FOR AN ACT relating to fees; to repeal a section governing fees applicable to matters commenced prior to August 10, 1945; and to repeal section 33-126.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Chizek	Hefner	Langford	Pirsch
Ashford	Conway	Higgins	Lynch	Remmers
Baack	Coordsen	Johanns	Marsh	Rogers
Barrett	Dierks	Johnson, L.	McFarland	Schellpeper
Bernard-Stevens	Elmer	Johnson, V.	Miller	Schmit
Beyer	Goodrich	Korshoj	Moore	Scofield
Campbell	Hall	Labedz	Morehead	Smith
Chambers	Hannibal	Lamb	Nelson	Wehrbein
	Hartnett	Landis	Peterson	Weihing

Wesely Withem

Voting in the negative, 0.

Excused and not voting, 3:

Haberman Johnson, R. Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1095. Indefinitely postponed.
LEGISLATIVE BILL 1094. Indefinitely postponed.
LEGISLATIVE BILL 1053. Indefinitely postponed.
LEGISLATIVE BILL 959. Indefinitely postponed.

LEGISLATIVE BILL 819. Placed on General File as amended.
Standing Committee amendments to LB 819:
AM1790

1. On page 2, line 21, strike the new matter and reinstate the stricken matter.
2. On page 3, line 3, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 1105. Placed on General File as amended.
Standing Committee amendments to LB 1105:
AM1789

1. Insert the following new section:

"Sec. 2. That section 77-3507, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3507. (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 percentage of the first thirty-five thousand dollars of the actual value of the homestead of qualified claimants based on the income of a claimant pursuant to subsection (2) of this section.

(2) For a qualified claimant, the percentage of the exemption for which the claimant shall be eligible shall be the percentage in Column B which

corresponds with the claimant's income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
~~0 through 8,400~~	~~100~~
~~8,401 through 8,900~~	~~80~~
~~8,901 through 9,400~~	~~60~~
~~9,401 through 9,900~~	~~40~~
~~9,901 through 10,400~~	~~20~~
0 through 10,400	100".

2. On page 4, line 12, strike "10,100" and insert "10,400"; and strike lines 13 to 16 and show the old matter as stricken.

3. On page 7, line 9, after "original" insert "section 77-3507, Reissue Revised Statutes of Nebraska, 1943, and".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1115. Placed on General File as amended.
Standing Committee amendment to LB 1115:
AM1785

1. On page 2, line 15, strike "(1)(b)" and insert "(1)(c)".

(Signed) Vard R. Johnson, Chairperson

Business and Labor

LEGISLATIVE BILL 863. Placed on General File.
LEGISLATIVE BILL 892. Placed on General File.
LEGISLATIVE BILL 1033. Placed on General File.

LEGISLATIVE BILL 864. Placed on General File as amended.
Standing Committee amendments to LB 864:
AM1801

1. On page 13, strike beginning with "supporting" in line 22 through "require" in line 23 and insert "documentation as required in the Nebraska Accounting System Manual on file with the Clerk of the Legislature".

2. On page 36, line 16, strike "Appropriations" and insert "Business and Labor".

3. On page 41, line 12, strike "cash", show as stricken, and insert "nongeneral".

LEGISLATIVE BILL 1035. Indefinitely postponed.

(Signed) Timothy Hall, Chairperson

NOTICE OF COMMITTEE HEARING
Business and Labor

Governor Appointments Monday, February 22, 1988 1:30 p.m.
Commission on Industrial Relations
Jeffery Orr
Dean Kratz

(Signed) Timothy Hall, 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 28, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

DeCamp Legal Services, P.C. - Lincoln
DeCamp, John W. - Lincoln, Nebraska Coalition for Women (Withdrawn 88/01/22); Omaha Tribe of Nebraska; Santee Sioux Tribe; Winnebago Tribe
Litjen, Thomas R. - Omaha, Nebraska Citizens Higher Education Committee of Association of Independent Colleges and Universities of Nebraska
Moores, H. Jack - Lincoln, Nebraska Fish Farmers Association
Noren, Charles F. - Hickman, Excel Merchandise and Novelty Company (Withdrawn 88/01/27)
Orton, Leroy W. - Lincoln, Mid-America Association of Asbestos Contractors
Pappas, James E. - Lincoln, Nebraska Beer Wholesalers Association; Nebraska Dietetic Association, Inc.; Ryan, P.C., James E.

Skochdopole, Robert A. - Omaha, Nebraska Citizens Higher Education Committee of Association of Independent Colleges and Universities of Nebraska

UNANIMOUS CONSENT - Members Excused

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Campbell asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 90. Considered.

Mr. Hall withdrew his pending amendment found in the Journal on page 490.

Mr. Hall renewed his pending amendment, AM1783, found in the Journal on page 553 to the pending Standing Committee amendments.

MR. CONWAY PRESIDING

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall withdrew his pending amendment, AM1783, found in the Journal on page 553.

Mr. Hall renewed his pending amendment, AM1784, found in the Journal on page 553.

PRESIDENT NICHOL PRESIDING

Mr. McFarland moved to return LB 90 to the Judiciary Committee for further consideration.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 111, 362, 478, 550, 788, 789, 791, 792, 793, 794, 795, 796, 797, 798, and 799.

GENERAL FILE

LEGISLATIVE BILL 90. The McFarland pending motion to return to Judiciary Committee was renewed.

Mr. Landis 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 McFarland motion to return to Committee lost with 4 ayes, 16 nays, 25 present and not voting, and 4 excused and not voting.

The Hall pending amendment, AM1784, found in the Journal on page 553, was renewed.

Mr. Chizek 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. Hall requested a record vote on his amendment.

Voting in the affirmative, 8:

Ashford	Hall	Johanns	Landis	Weihing
Chambers	Hartnett	Labedz		

Voting in the negative, 24:

Abboud	Chizek	Higgins	Moore	Schellpeper
Barrett	Coordsen	Johnson, L.	Morehead	Scofield
Bernard-Stevens	Elmer	Langford	Nelson	Smith
	Hannibal	Marsh	Pirsch	Warner
Beyer	Hefner	Miller	Remmers	Wehrbein

Present and not voting, 14:

Baack	Goodrich	Lamb	Peterson	Wesely
Conway	Johnson, V.	Lynch	Rogers	Withem
Dierks	Korshoj	McFarland	Schmit	

Excused and not voting, 3:

Campbell Haberman Johnson, R.

The Hall amendment lost with 8 ayes, 24 nays, 14 present and not voting, and 3 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARINGS

General Affairs

LB 1222	Monday, February 8, 1988	1:30 p.m.

(Signed) Patricia S. Morehead, Chairperson

Transportation

LB 1152	Monday, February 8, 1988	1:30 p.m.
LB 1097	Monday, February 8, 1988	1:30 p.m.
LB 1007	Monday, February 8, 1988	1:30 p.m.
LB 1019	Tuesday, February 9, 1988	1:30 p.m.
LB 820	Tuesday, February 9, 1988	1:30 p.m.
LB 1000	Tuesday, February 9, 1988	1:30 p.m.
LB 1195	Tuesday, February 9, 1988	1:30 p.m.
LB 1038	Tuesday, February 16, 1988	1:30 p.m.
LB 1208	Tuesday, February 16, 1988	1:30 p.m.
LB 1005	Tuesday, February 16, 1988	1:30 p.m.
LB 1037	Monday, February 22, 1988	1:30 p.m.
LB 1179	Monday, February 22, 1988	1:30 p.m.

(Signed) Howard Lamb, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1039A. Introduced by V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1039, Ninetieth Legislature, Second Session, 1988.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 1008. Placed on General File.

LEGISLATIVE BILL 1006. Placed on General File as amended.
Standing Committee amendments to LB 1006:
AM1779

1. On page 6, line 9, strike "motor".
2. On page 9, strike beginning with "having" in line 3 through "and" in line 4 and show as stricken.

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 418 in the Journal. No objections. So ordered.

AM1810

1. Insert the following new section:
"Sec. 15. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Hannibal asked unanimous consent to print the following amendment to LB 419 in the Journal. No objections. So ordered.

AM1811

1. Insert the following new section:
"Sec. 18. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mrs. Smith and Mr. Moore asked unanimous consent to print the following amendment to LB 428 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1813.)

MOTION - Adjournment

Mr. McFarland moved to adjourn. The motion lost with 6 ayes, 22 nays, 18 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 90. The pending Standing Committee amendments were renewed.

Messrs. Remmers, Abboud, Coordsen, Weihing, and Hartnett asked unanimous consent to be excused. No objections. So ordered.

Mr. McFarland offered the following amendment to the Standing Committee amendments:
AM1783

1. On page 3, line 20, after the period insert "The defense attorney shall have an opportunity to evaluate the child and rebut the showing of compelling need produced by the prosecuting attorney by making application to the court for an independent examination by a professional psychiatrist or psychologist.".

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The McFarland amendment lost with 2 ayes, 20 nays, 19 present and not voting, and 8 excused and not voting.

Pending.

MOTION - Adjournment

Mr. McFarland moved to adjourn.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 3 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 14:

Baack	Dierks	Hefner	McFarland	Wehrbein
Barrett	Goodrich	Johnson, V.	Peterson	Withem
Chambers	Hannibal	Labedz	Schmit	

Voting in the negative, 25:

Abboud	Elmer	Landis	Moore	Schellpeper
Ashford	Hall	Langford	Morehead	Scofield
Bernard-Stevens	Higgins	Lynch	Nelson	Smith
	Johnson, L.	Marsh	Pirsch	Warner
Beyer	Lamb	Miller	Rogers	Wesely
Chizek				

Present and not voting, 3:

Conway	Johanns	Korshoj

Excused and not voting, 7:

Campbell	Haberman	Johnson, R.	Remmers	Weihing
Coordsen	Hartnett			

The McFarland motion to adjourn lost with 14 ayes, 25 nays, 3 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 90. The pending Standing Committee amendments were renewed.

Mr. Moore 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 Chair declared the call raised.

Messrs. Abboud, V. Johnson, and Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 38:

Abboud	Conway	Johanns	Marsh	Schellpeper
Ashford	Dierks	Johnson, L.	Miller	Scofield
Baack	Elmer	Korshoj	Moore	Smith
Barrett	Goodrich	Labedz	Morehead	Warner
Bernard-Stevens	Hall	Lamb	Nelson	Wehrbein
	Hannibal	Landis	Peterson	Wesely
Beyer	Hefner	Langford	Pirsch	Withem
Chizek	Higgins	Lynch	Rogers	

Voting in the negative, 0.

Present and not voting, 2:

Chambers McFarland

Excused and not voting, 9:

Campbell	Haberman	Johnson, R.	Remmers	Weihing
Coordsen	Hartnett	Johnson, V.	Schmit	

The Standing Committee amendments were adopted with 38 ayes, 0 nays, 2 present and not voting, and 9 excused and not voting.

Messrs. Hefner, Peterson, Abboud, and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved to reconsider the vote on the adoption of the Committee amendments.

Pending.

VISITORS

Visitors to the Chamber were John and Julia Diehl from Stratton; Harold and Deanne Perera from Sri Lanka; 12 fourth through seventh grade students and teacher from Fremont Christian Academy; and Mr. and Mrs. Richard Miner from Grand Island.

MOTION - Adjournment

Mr. McFarland moved to adjourn. The motion prevailed, and at 12:38 p.m., on a motion by Mr. McFarland, the Legislature adjourned until 9:00 a.m., Monday, February 1, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - FEBRUARY 1, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 1, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Lew Champ, Bethany Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Chambers, Conway, Goodrich, Hall, V. Johnson, Schmit, Warner, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 204, line 7, strike "Peterson, 21st District" and insert "Miller, 37th District".
The Journal for the Second Day was approved as corrected.
The Journal for the Sixteenth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 29, 1988, at 12:20 p.m., were the following bills: 111, 362, 478, 550, 788, 789, 791, 792, 793, 794, 795, 796, 797, 798, and 799.

(Signed) Pam Moravec, Enrolling Clerk

ANNOUNCEMENT

The Chair announced today is Senator Rogers' birthday.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 117 and 191.

(Signed) Scott Moore, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1233. Introduced by Speaker Barrett, 39th District, at the request of the Governor; Remmers, 1st District; Conway, 17th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to the Governor; to provide powers related to the issuance of certain bonds; and to declare an emergency.

MESSAGE FROM THE GOVERNOR

January 29, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 123 and 582 were received in my office on January 26, 1988.

These bills were signed by me on January 29, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Campbell asked unanimous consent to have her name added as co-introducer to LB 602. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 273.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 697.

A BILL FOR AN ACT relating to records; to amend section 83-109, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide access to certain records of persons with developmental disabilities and mentally ill individuals as prescribed; to provide for disclosure as prescribed; to require the exhaustion of administrative remedies 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	Dierks	Johnson, L.	McFarland	Rogers
Ashford	Elmer	Johnson, R.	Miller	Schellpeper
Barrett	Haberman	Korshoj	Moore	Scofield
Bernard-Stevens	Hannibal	Lamb	Morehead	Smith
Beyer	Hartnett	Landis	Nelson	Wehrbein
Campbell	Hefner	Langford	Peterson	Weihing
Chizek	Higgins	Lynch	Pirsch	Wesely
Coordsen	Johanns	Marsh	Remmers	Withem

Voting in the negative, 0.

Excused and not voting, 9:

Baack	Conway	Hall	Labedz	Warner
Chambers	Goodrich	Johnson, V.	Schmit	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 713. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend section 44-320, Reissue Revised Statutes of Nebraska, 1943; to permit certain transactions involving officers of domestic insurance companies as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Dierks	Johnson, L.	McFarland	Rogers
Ashford	Elmer	Johnson, R.	Miller	Schellpeper
Barrett	Haberman	Korshoj	Moore	Scofield
Bernard-Stevens	Hannibal	Lamb	Morehead	Smith
	Hartnett	Landis	Nelson	Wehrbein
Beyer	Hefner	Langford	Peterson	Weihing
Campbell	Higgins	Lynch	Pirsch	Wesely
Chizek	Johanns	Marsh	Remmers	Withem
Coordsen				

Voting in the negative, 0.

Excused and not voting, 9:

Baack	Conway	Hall	Labedz	Warner
Chambers	Goodrich	Johnson, V.	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 249.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2023, Reissue Revised Statutes of Nebraska, 1943; to require the disclosure of all owners, partners, and board members of and persons with financial interests in certain health care institutions 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	Dierks	Johnson, R.	Miller	Schellpeper
Ashford	Elmer	Korshoj	Moore	Scofield
Barrett	Haberman	Lamb	Morehead	Smith
Bernard-Stevens	Hannibal	Landis	Nelson	Warner
	Hartnett	Langford	Peterson	Wehrbein
Beyer	Higgins	Lynch	Pirsch	Weihing
Campbell	Johanns	Marsh	Remmers	Wesely
Chizek	Johnson, L.	McFarland	Rogers	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Hefner

Excused and not voting, 8:

Baack	Conway	Hall	Labedz	Schmit
Chambers	Goodrich	Johnson, V.		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 666.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1403, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to consultation with a council and revocation of certain certificates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Dierks	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Miller	Scofield
Barrett	Goodrich	Korshoj	Moore	Smith
Bernard-Stevens	Haberman	Labedz	Morehead	Warner
	Hannibal	Lamb	Nelson	Wehrbein
Beyer	Hartnett	Landis	Peterson	Weihing
Campbell	Hefner	Langford	Pirsch	Wesely
Chizek	Higgins	Lynch	Remmers	Withem
Coordsen	Johanns	Marsh	Rogers	

Voting in the negative, 0.

Excused and not voting, 6:

Baack	Conway	Hall	Johnson, V.	Schmit
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 800.

A BILL FOR AN ACT relating to corporations; to amend sections 21-312, 21-314, 21-318, 21-319, 21-321, 21-1337, 21-1513, and 21-1519 to 21-1521, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to repealed sections; and to repeal the original sections.

Whereupon the 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	Bernard-Stevens	Chizek	Goodrich	Hefner
Ashford		Coordsen	Haberman	Johanns
Barrett	Beyer	Dierks	Hannibal	Johnson, L.
	Campbell	Elmer	Hartnett	Johnson, R.

Korshoj	Lynch	Morehead	Rogers	Wehrbein
Labedz	Marsh	Nelson	Schellpeper	Weihing
Lamb	McFarland	Peterson	Scofield	Wesely
Landis	Miller	Pirsch	Smith	Withem
Langford	Moore	Remmers	Warner	

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 6:

Baack	Conway	Hall	Johnson, V.	Schmit
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 801.

A BILL FOR AN ACT relating to dogs; to amend sections 54-610, 54-611, and 54-613, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to repealed sections; and to repeal the original sections.

Whereupon the 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	Dierks	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Miller	Scofield
Barrett	Goodrich	Korshoj	Moore	Smith
Bernard-Stevens	Haberman	Labedz	Morehead	Warner
	Hannibal	Lamb	Nelson	Wehrbein
Beyer	Hartnett	Landis	Peterson	Weihing
Campbell	Hefner	Langford	Pirsch	Wesely
Chizek	Higgins	Lynch	Remmers	Withem
Coordsen	Johanns	Marsh	Rogers	

Voting in the negative, 0.

Excused and not voting, 6:

Baack	Conway	Hall	Johnson, V.	Schmit
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 803.

A BILL FOR AN ACT relating to the Professional Liability Insurance Availability Act; to eliminate provisions which have expired; and to repeal sections 44-3001 to 44-3019, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Dierks	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Miller	Scofield
Barrett	Goodrich	Korshoj	Moore	Smith
Bernard-Stevens	Haberman	Labedz	Morehead	Warner
	Hannibal	Lamb	Nelson	Wehrbein
Beyer	Hartnett	Landis	Peterson	Weihing
Campbell	Hefner	Langford	Pirsch	Wesely
Chizek	Higgins	Lynch	Remmers	Withem
Coordsen	Johanns	Marsh	Rogers	

Voting in the negative, 0.

Excused and not voting, 6:

Baack	Conway	Hall	Johnson, V.	Schmit
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 804.

A BILL FOR AN ACT relating to premarital examinations; to eliminate a fee for a test that is no longer required; and to repeal section 42-121.01, Revised Statutes Supplement, 1986.

Whereupon the 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	Dierks	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Miller	Schmit
Barrett	Goodrich	Korshoj	Moore	Scofield
Bernard-Stevens	Haberman	Labedz	Morehead	Smith
Beyer	Hannibal	Lamb	Nelson	Warner
Campbell	Hartnett	Landis	Peterson	Wehrbein
Chizek	Hefner	Langford	Pirsch	Weihing
Coordsen	Higgins	Lynch	Remmers	Wesely
	Johanns	Marsh	Rogers	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Chambers	Conway	Hall	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 805.

A BILL FOR AN ACT relating to fees and salaries; to amend section 33-150, Revised Statutes Supplement, 1986; to eliminate a reference to a fund that no longer exists; and to repeal the original section.

Whereupon the 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	Bernard-Stevens	Campbell	Dierks	Haberman
Ashford	Beyer	Chizek	Elmer	Hannibal
Barrett		Coordsen	Goodrich	Hartnett

Hefner	Labedz	McFarland	Pirsch	Smith
Higgins	Lamb	Miller	Remmers	Warner
Johanns	Landis	Moore	Rogers	Wehrbein
Johnson, L.	Langford	Morehead	Schellpeper	Weihing
Johnson, R.	Lynch	Nelson	Schmit	Wesely
Korshoj	Marsh	Peterson	Scofield	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Chambers	Conway	Hall	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 806.

A BILL FOR AN ACT relating to counties; to eliminate a duty of the county board to fix certain salaries by March 15, 1974; and to repeal section 23-1114.16, 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	Dierks	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Miller	Schmit
Barrett	Goodrich	Korshoj	Moore	Scofield
Bernard-Stevens	Haberman	Labedz	Morehead	Smith
	Hannibal	Lamb	Nelson	Warner
Beyer	Hartnett	Landis	Peterson	Wehrbein
Campbell	Hefner	Langford	Pirsch	Weihing
Chizek	Higgins	Lynch	Remmers	Wesely
Coordsen	Johanns	Marsh	Rogers	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Chambers	Conway	Hall	Johnson, V.

A constitutional majority having voted in the affirmative, the bill w as declared passed and the title agreed to.

LEGISLATIVE BILL 807.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3302, 2-3803, 2-3808, 2-3809, 2-3810, and 2-3812, Reissue Revised Statutes of Nebraska, 1943, and section 2-954, Revised Statutes Supplement, 1987; to repeal definitions no longer needed; to delete references to a repealed section; to harmonize provisions with former acts of the Legislature; to repeal the original sections, and also section 2-3608, 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	Dierks	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Miller	Schmit
Barrett	Goodrich	Korshoj	Moore	Scofield
Bernard-Stevens	Haberman	Labedz	Morehead	Smith
	Hannibal	Lamb	Nelson	Warner
Beyer	Hartnett	Landis	Peterson	Wehrbein
Campbell	Hefner	Langford	Pirsch	Weihing
Chizek	Higgins	Lynch	Remmers	Wesely
Coordsen	Johanns	Marsh	Rogers	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Chambers	Conway	Hall	Johnson, V.

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: 697, 713, 249, 666, 800, 801, 803, 804, 805, and 806.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 808.

A BILL FOR AN ACT relating to the Commodity Code; to amend section 8-1736, Revised Statutes Supplement, 1987; to clarify language relating to appeals; and to repeal the original section.

Whereupon the 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	Coordsen	Johanns	Marsh	Schellpeper
Ashford	Dierks	Johnson, L.	McFarland	Schmit
Barrett	Elmer	Johnson, R.	Miller	Scofield
Bernard-Stevens	Goodrich	Korshoj	Moore	Smith
	Haberman	Labedz	Morehead	Warner
Beyer	Hannibal	Lamb	Peterson	Wehrbein
Campbell	Hartnett	Landis	Pirsch	Weihing
Chizek	Hefner	Langford	Remmers	Wesely
Conway	Higgins	Lynch	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Nelson

Excused and not voting, 4:

Baack	Chambers	Hall	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 809.

A BILL FOR AN ACT relating to municipalities; to repeal a provision directing that certain actions be commenced within one

year from April 29, 1967; to repeal a provision extending certain terms of office to the first Tuesday in June 1977; to repeal a provision directing the substitution of certain terms; and to repeal sections 18-1717, 18-2152, and 19-617.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Dierks	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Miller	Schmit
Barrett	Goodrich	Korshoj	Moore	Scofield
Bernard-Stevens	Haberman	Labedz	Morehead	Smith
	Hannibal	Lamb	Nelson	Warner
Beyer	Hartnett	Landis	Peterson	Wehrbein
Campbell	Hefner	Langford	Pirsch	Weihing
Chizek	Higgins	Lynch	Remmers	Wesely
Conway	Johanns	Marsh	Rogers	Withem
Coordsen				

Voting in the negative, 0.

Excused and not voting, 4:

Baack	Chambers	Hall	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 810.

A BILL FOR AN ACT relating to the Department of Public Institutions; to amend sections 83-211 and 83-212, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision relating to an appeal; to redefine a term; to eliminate references to a section that was repealed in 1976; and to repeal the original sections, and also section 83-211.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Dierks	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Miller	Schmit
Barrett	Goodrich	Korshoj	Moore	Scofield
Bernard-Stevens	Haberman	Labedz	Morehead	Smith
Beyer	Hannibal	Lamb	Nelson	Warner
Campbell	Hartnett	Landis	Peterson	Wehrbein
Chizek	Hefner	Langford	Pirsch	Weihing
Conway	Higgins	Lynch	Remmers	Wesely
Coordsen	Johanns	Marsh	Rogers	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Baack	Chambers	Hall	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 811.

A BILL FOR AN ACT relating to the Policy Research Office; to repeal a provision governing a transfer to be made on July 1, 1979; and to repeal section 84-140, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Chizek	Hartnett	Lamb	Morehead
Ashford	Conway	Hefner	Landis	Nelson
Barrett	Coordsen	Higgins	Langford	Peterson
Bernard-Stevens	Dierks	Johanns	Lynch	Pirsch
Beyer	Elmer	Johnson, L.	Marsh	Remmers
Campbell	Goodrich	Johnson, R.	McFarland	Rogers
Chambers	Haberman	Korshoj	Miller	Schellpeper
	Hannibal	Labedz	Moore	Schmit

Scofield	Warner	Weihing	Wesely	Withem
Smith	Wehrbein			

Voting in the negative, 0.

Excused and not voting, 3:

Baack	Hall	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 812.

A BILL FOR AN ACT relating to public meetings; to amend sections 2-3219, 79-439, and 79-1003.01, Reissue Revised Statutes of Nebraska, 1943; to change references to sections that were repealed in 1975; and to repeal the original sections.

Whereupon the 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	Coordsen	Johnson, L.	McFarland	Schellpeper
Ashford	Dierks	Johnson, R.	Miller	Schmit
Barrett	Elmer	Korshoj	Moore	Scofield
Bernard-Stevens	Goodrich	Labedz	Morehead	Smith
	Haberman	Lamb	Nelson	Warner
Beyer	Hannibal	Landis	Peterson	Wehrbein
Campbell	Hartnett	Langford	Pirsch	Weihing
Chambers	Hefner	Lynch	Remmers	Wesely
Chizek	Higgins	Marsh	Rogers	Withem
Conway	Johanns			

Voting in the negative, 0.

Excused and not voting, 3:

Baack	Hall	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 813.

A BILL FOR AN ACT relating to public lands; to repeal an authorization made in 1959 for the Governor to sell certain property which has been sold; and to repeal 72-109, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Johnson, L.	McFarland	Schellpeper
Ashford	Dierks	Johnson, R.	Miller	Schmit
Barrett	Elmer	Korshoj	Moore	Scofield
Bernard-Stevens	Goodrich	Labedz	Morehead	Smith
	Haberman	Lamb	Nelson	Warner
Beyer	Hannibal	Landis	Peterson	Wehrbein
Campbell	Hartnett	Langford	Pirsch	Weihing
Chambers	Hefner	Lynch	Remmers	Wesely
Chizek	Higgins	Marsh	Rogers	Withem
Conway	Johanns			

Voting in the negative, 0.

Excused and not voting, 3:

Baack	Hall	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 927.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-910, 85-937, 85-974, and 85-9,105, Reissue Revised Statutes of Nebraska, 1943; to change references to the system which provides educational data 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	Coordsen	Johnson, L.	McFarland	Schellpeper
Ashford	Dierks	Johnson, R.	Miller	Schmit
Barrett	Elmer	Korshoj	Moore	Scofield
Bernard-Stevens	Goodrich	Labedz	Morehead	Smith
	Haberman	Lamb	Nelson	Warner
Beyer	Hannibal	Landis	Peterson	Wehrbein
Campbell	Hartnett	Langford	Pirsch	Weihing
Chambers	Hefner	Lynch	Remmers	Wesely
Chizek	Higgins	Marsh	Rogers	Withem
Conway	Johanns			

Voting in the negative, 0.

Excused and not voting, 3:

Baack	Hall	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 790 to Select File

Mrs. Labedz moved to return LB 790 to Select File for the following specific amendment:
AM1805

(Amendments to Final Reading copy)

1. On page 1, line 8, strike "and 43-104" and insert ", 43-104, and 43-250".

2. On page 2, line 3, after the semicolon insert "to delete provisions erroneously inserted in the drafting of Laws 1985, LB 447, section 14;".

3. Insert the following new section:

"Sec. 24. That section 43-250, Revised Statutes Supplement, 1986, be amended to read as follows:

43-250. An officer who takes a juvenile into temporary custody under section 43-248 shall immediately take reasonable measures to notify the juvenile's

parent, guardian, custodian, or relative and shall proceed as follows:

(1) The officer shall release such juvenile;

(2) The officer shall prepare in triplicate a written notice requiring the juvenile to appear before the juvenile court or probation officer of the county in which such juvenile was taken into custody at a time and place specified in the notice or at the call of the court. The notice shall also contain a concise statement of the reasons such juvenile was taken into custody. The officer shall deliver one copy of the notice to such juvenile and require such juvenile or his or her parent, guardian, other custodian, or relative, or both, to sign a written promise that such signer will appear at the time and place designated in the notice. Upon the execution of the promise to appear, the officer shall immediately release such juvenile. The officer shall, as soon as practicable, file one copy of the notice with the county attorney and, when required by the juvenile court, also file a copy of the notice with the juvenile court, the officer appointed by the court for such purpose, or the probation officer;

(3) ~~When a juvenile is taken into temporary custody pursuant to subsection (3) of section 43-248, the~~ The officer ~~may~~ shall take such juvenile without unnecessary delay before the juvenile court or probation officer of the county in which such juvenile was taken into custody and deliver the custody of such juvenile to the juvenile court or probation officer; or

(4) When a juvenile is taken into temporary custody pursuant to subsection (3) of section 43-248, the officer may deliver the custody of such juvenile to the Department of Social Services which shall make a temporary placement of the juvenile in the least restrictive environment consistent with the best interests of the juvenile as determined by the department. The department shall supervise such placement and, if necessary, consent to any necessary emergency medical, psychological, or psychiatric treatment for such juvenile. The department shall have no other authority with regard to such temporary custody until or unless there is an order by the court placing the juvenile in the custody of the department. If the officer makes disposition of the juvenile pursuant to

this subdivision, the officer shall make a full written report to the county attorney within twenty-four hours of taking such juvenile into temporary custody. If a court order of temporary custody is not issued within forty-eight hours of taking the juvenile into custody, the temporary custody by the department shall terminate and the child shall be returned to the custody of his or her parent, guardian, custodian, or relative.

In determining which disposition of the juvenile he or she will make, the officer shall prefer the alternative which least restricts the juvenile's freedom of movement if such alternative is compatible with the best interests of the juvenile and the community.".

4. On page 53, line 3, strike "and 43-104" and insert ", 43-104, and 43-250".

5. Renumber remaining sections accordingly.

The Labedz motion to return prevailed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 790. The Labedz specific amendment, AM1805, found in this day's Journal was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 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: 807, 808, 809, 810, 811, 812, 813, and 927.

SPECIAL COMMITTEE REPORT
Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

James Murphy - Public Employees Retirement Board

Voting Aye: Senators Goodrich, Marsh, Nelson, Warner. Voting Nay: None. Absent: Senators Haberman, Abboud.

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Ron Saalfeld - Public Employees Retirement Board

Voting Aye: Senators Goodrich, Marsh, Nelson, Warner. Voting Nay: None. Absent: Senators Haberman, Abboud.

(Signed) Rex Haberman, Chairperson

NOTICE OF COMMITTEE HEARINGS
Appropriations

Monday, February 8, 1988 (reset) 1:30 p.m.
Agency 48 - Postsecondary Education Coordinating Commission

LB 1029	Monday, February 8, 1988	1:30 p.m.
LB 1029A	Monday, February 8, 1988	1:30 p.m.
LB 1230	Monday, February 8, 1988	1:30 p.m.
LB 837	Tuesday, February 9, 1988	1:30 p.m.
LB 1192	Tuesday, February 9, 1988	1:30 p.m.
LB 1160	Tuesday, February 9, 1988	1:30 p.m.
LR 263	Wednesday, February 10, 1988	1:30 p.m.
LB 1091	Wednesday, February 10, 1988	1:30 p.m.
LR 266	Thursday, February 11, 1988	1:30 p.m.
LB 1042	Thursday, February 11, 1988	1:30 p.m.
LB 822	Thursday, February 11, 1988	1:30 p.m.
LB 1144	Thursday, February 11, 1988	1:30 p.m.
LB 1074	Thursday, February 11, 1988	1:30 p.m.
LB 1164	Thursday, February 11, 1988	1:30 p.m.
LB 1204	Tuesday, February 16, 1988	1:30 p.m.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 814. Title read. Considered.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1012. Title read. Considered.

Standing Committee amendments, AM1721, found in the Journal on page 488 for the Twelfth Day were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Messrs. Hannibal, Beyer, Ashford, and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 88005

DATE: January 29, 1988

SUBJECT: Constitutionality of LB 180 - Regulation of Automatic Dialing-Announcing Devices (ADAD's).

REQUESTED BY: Senator Don Wesely

Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the constitutionality of LB 180. Generally, LB 180 would amend existing statutory provisions relating to the regulation of automatic dialing-announcing devices (ADAD's). The bill would prohibit sequential dialing or dialing emergency numbers when using ADAD's. In addition, the bill provides for an increase in the charge for a permit to operate such devices, and requires the renewal of permits every two years.

The principal issue to be addressed in assessing the constitutionality of LB 180 concerns whether the regulation of ADAD's in the manner proposed under the bill constitutes a valid exercise of the state's police power.

The police power is an attribute of state sovereignty, and, within the limitations of state and federal Constitutions, the state may, in its exercise, enact laws for the promotion of public safety, health, morals and generally for the public welfare. Louis Finocchiaro, Inc. v. Nebraska Liquor Control Commission, 217 Neb. 487, 351 N.W.2d 701 (1984); Montgomery v. Blazek, 161 Neb. 349, 73 N.W.2d 402 (1955); State v. Geest, 118 Neb. 562, 225 N.W. 709 (1929); Union Pacific Railroad Co. v. City of Lincoln, 97 Neb. 198, 149 N.W. 419 (1914). The police power extends to all great needs of the state and may be invoked to sanction what is found to be greatly or immediately necessary to the public welfare. United States Brewers' Association v. State, 192 Neb. 328, 220 N.W.2d 544 (1974); Fitch v. State, 102 Neb. 361, 167 N.W. 417 (1918). The power is not stagnant but develops to meet the changing conditions of the state. Pettis v. Alpha Alpha Chapter of Phi Beta Pi, 115 Neb. 525, 213 N.W. 835 (1927).

Within constitutional limits, the Legislature is the sole judge as to what laws should be enacted for the protection and welfare of the people and when and how the police power should be exercised. By its very nature, the power has no set parameters. State ex rel. Baldwin v. Strain, 152 Neb. 763, 42 N.W.2d 796 (1950); State v. Drayton, 82 Neb. 24, 117 N.W. 768 (1908).

The test for whether the power has been used constitutionally is whether the legislature has acted reasonably. Goldblatt v. Town of Hempstead, New York, 369 U.S. 590, 82 S.Ct. 987, 8 L.Ed.2d 130 (1962). The legislative enactment must bear a reasonable relationship to the purpose sought to be accomplished. Louis Finocchiaro, Inc. v. Nebraska Liquor Control Commission, supra; Eckstein v. City of

Lincoln, 202 Neb. 741, 277 N.W.2d 91 (1979); Golden v. Bartholomew, 140 Neb. 65, 299 N.W. 356 (1941); State ex rel. Krittenbrink v. Withnell, 91 Neb. 101, 135 N.W. 376 (1912); State ex rel. Baldwin v. Strain, Supra.

Applying these principles to the provisions of LB 180, we cannot say the bill, on its face, represents an unconstitutional exercise of the state's power to enact legislation promoting the public welfare. The state has a legitimate interest in preventing potential abuses associated with the use of ADAD's, and may validly act to limit and regulate the use of such devices. Furthermore, the state has a valid interest in establishing appropriate limits and restrictions on the use of such devices in the public interest.

In Harriman v. City of Beverly Hills, 275 Cal.App.2d 918, 80 Cal.Rptr. 426 (1969), the court considered a constitutional challenge to a city ordinance regulating telephone answering services. The ordinance at issue required the obtaining of a permit prior to advertising or operating a telephone answering service, and further required the furnishing to the police department of detailed information about employees, including photographs and fingerprints. Id. at ___, 80 Cal.Rptr. at 428. The court upheld the constitutionality of the ordinance, determining the regulation of such businesses in the manner provided was a valid exercise of the city's police power. Id. at ___, 80 Cal.Rptr. at 431-32. While the decision in Harriman involved municipal regulation in an area different than that proposed under LB 180, we believe this decision demonstrates the regulation of telecommunications-related matters clearly falls within the scope of the exercise of the police power.

We note, however, that a recent amendment to LB 180 would increase from $50.00 to $500.00 the application fee for a permit to operate ADAD's. Legislative Journal, Ninetieth Session, p. 233. As a general rule, fees charged for licensing or permits must not be established at a level which is unreasonable or confiscatory. The amount of regulatory license fee need not, however, be limited to the expense associated with the issuance of the license. The charge may properly take into consideration the cost of supervision and enforcement, including such matters as inspection and examination. 51 Am.Jur.2d Licenses and Permits §§114, 115 (1970); See also City of Ord v. Biemond, 175 Neb. 333, 122 N.W.2d 6 (1963). While the determination of what amount constitutes a reasonable fee under such circumstances is a matter to be determined initially by the Legislature, we believe the substantial increase in the application fee proposed under the bill as amended raises a question as to the reasonableness of the charge. We are not, however, able to definitively conclude the fee established is inherently unreasonable.

In conclusion, except for certain reservations we have with respect to the reasonableness of the application fee established in the bill as amended, it is our opinion that the regulatory provisions relating to ADAD's provided under LB 180 represent a valid and constitutional exercise of the state's police power.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-37-2

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

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 902. Placed on General File.
LEGISLATIVE BILL 978. Placed on General File.

LEGISLATIVE BILL 941. Placed on General File as amended.
Standing Committee amendment to LB 941:
AM1825
1. On page 3, line 14, strike "fourteen" and insert "five working".

(Signed) Patricia S. Morehead, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 1, 1988, at 11:00 a.m., were the following bills: 697, 713, 249, 666, 800, 801, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, and 927.

(Signed) Pam Moravec, Enrolling Clerk

BILL ON FIRST READING

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

LEGISLATIVE BILL 972A. Introduced by Haberman, 44th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 972, Ninetieth Legislature, Second Session, 1988.

MOTION - Rerefer LB 1042

Mr. McFarland moved to rerefer LB 1042 from the Appropriations Committee to the Education Committee.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 428 in the Journal. No objections. So ordered.

AM1803

(Amendments to Final Reading copy)

1. On page 1, line 1, after "amend" insert "section 39-6,103.07, Revised Statutes Supplement, 1986, and"; in line 4 after the semicolon insert "to require the wearing of safety belts as prescribed;"; in line 7 after the semicolon insert "to harmonize provisions;"; and in line 8 strike "section" and insert "sections".

2. On page 3, line 20, after "2" insert "or 7".

3. On page 6, line 18, after "including" insert "violations for not wearing a safety belt as prescribed in section 7 of this act,".

4. Insert the following new sections:

"Sec. 7. Any driver and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a safety belt, except that the number of front seat passengers required to wear a safety belt shall not exceed the number of safety belts which were installed in the front seat of such motor vehicle by the manufacturer. Any driver transporting a child who is four years of age or more but is less than sixteen years of age shall be responsible for securing such child in a safety belt if the child is riding in the front seat of the motor vehicle. All safety belts so worn shall be properly adjusted and fastened and shall (1) be of a type which meets the requirements of

49 C.F.R. section 571.208 as such regulation currently exists or as the regulation existed when the safety belts were originally installed by the manufacturer or (2) if the safety belts have been replaced, be of a type which meets the requirements of 49 C.F.R. section 571.208 that applied to the originally installed safety belts or of a more recently issued version of such regulation. Requirements for a child under the age of four are provided in sections 39-6,103.01 to 39-6,103.03.

As used in this section, motor vehicle shall mean a vehicle required by section 39-6,171 to be equipped with safety belts.

Sec. 8. That section 39-6,103.07, Revised Statutes Supplement, 1986, be amended to read as follows:

39-6,103.07. Section ~~39-6,103.04~~ 7 of this act shall not apply to (1) a driver or passenger who possesses written verification from a physician that the driver or passenger is unable to wear a safety belt for medical reasons and (2) a rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier between the first and last delivery points.".

5. On page 7, line 7, after "original" insert "section 39-6,103.07, Revised Statutes Supplement, 1986, and"; and in line 8 strike "is" and insert "are".

6. Renumber the remaining section accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LR 261 in the Journal. No objections. So ordered.

3. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska.

SELECT FILE

LEGISLATIVE BILL 693. E & R amendments, AM5245, found in the Journal on page 286 for the Fifth Day were adopted.

Mr. Lynch renewed his pending amendment, AM1656, found in the Journal on page 486.

Mrs. Johanns and Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

Mr. Lynch offered the following amendment to his pending amendment:
Strike "shall" on line 5, page 1 and insert "may"
After Facility on line 4, page 1 add "of at Least 100 Residences"

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

The Lynch amendment to the pending Lynch amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 958. Placed on General File.

LEGISLATIVE BILL 976. Placed on General File as amended.
Standing Committee amendment to LB 976:
AM1782

1. On page 5, strike lines 17 through 20 and insert:

"(6) If the authority does not provide insurance coverage for the real property improvements to real property and the real property of which it has the use and occupancy and the city provides insurance coverage for such improvements and property and names the authority as the named insured, the authority shall reimburse the city for purchasing the insurance coverage if reimbursement is requested by the city. When purchasing the insurance coverage the city shall exercise its best efforts to provide the most appropriate level of coverage for the best price obtainable.".

LEGISLATIVE BILL 1016. Placed on General File as amended.
Standing Committee amendments to LB 1016:
AM1781

1. On page 3, line 25, after "vote" insert "or a portion of such vote as provided in subsection (3) of this section"; and strike "for each acre", show as stricken, and insert an underscored period.

2. On page 4, strike beginning with "of" in line 1 through the period in line 3 and show the old matter as stricken; strike beginning with "for" in line 13 through "district" in line 15, show the old matter as stricken, and insert "or a portion of such vote as provided in subsection (3) of this section"; and strike beginning with "for" in line 21 through the period in line 23, show the old matter as stricken, and insert "or a portion of such vote as provided in subsection (3) of this section.".

3. On page 6, strike beginning with "When" in line 8 through the period in line 13 and show as stricken; strike beginning with "Should" in line 17 through the period in line 23 and show as stricken; after line 23 insert the following new subsection:

"(3) Any person permitted to vote in an election under subsection (2) of this section may cast one vote for each acre of unplatted land or fraction thereof owned within the district. Any person permitted to vote in an election under subsection (2) of this section may cast one vote for each platted lot which he or she may own in the district. When ownership of a platted lot is divided fractionally, with portions of the lot owned independently and not under any form of joint ownership of the whole lot, one vote for the platted lot shall be divided proportionately among the persons owning the lot according to the proportionate interest of each person. The division of such vote shall be determined by the county clerk or election commissioner from the records of the register of deeds. When ownership of a platted lot or unplatted land is held jointly by two or more persons, whether as joint tenants, tenants in common, limited partners, or any other form of joint ownership, only one person shall be entitled to cast the vote of such property. Should two or more persons or officials claim the right to vote on the same tract, the election board shall determine the

party entitled to vote. Such board shall select one of its number chairperson and one of its number clerk. In case of a vacancy on such board, the remaining trustees shall fill the vacancy on such board until the next election."; and in line 24 strike "(3)", show as stricken, and insert "(4)".

LEGISLATIVE BILL 1052. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Health and Human Services

LEGISLATIVE BILL 1060. Placed on General File.

LEGISLATIVE BILL 1013. Placed on General File as amended.
Standing Committee amendments to LB 1013:
AM1823

1. Strike original sections 1 and 5 and insert the following new sections:

"Sec. 2. That section 71-1912, Revised Statutes Supplement, 1987, be amended to read as follows:

71-1912. (1) The department shall adopt and promulgate rules and regulations establishing standards for the physical well-being, safety, and protection of children pursuant to the licensing of providers. Such standards shall insure that the provider of a program is providing proper care for and treatment of the children served and that such care and treatment is consistent with the children's physical well-being, safety, and protection. Such standards shall not require the use of any specific instructional materials or affect the contents of any course of instruction which may be offered by a program. Before issuance or renewal of a license, the department shall investigate or cause an investigation to be made, when it deems necessary, to determine if the applicant or person in charge of the program meets or is capable of meeting the physical well-being, safety, and protection standards and the other rules and regulations of the department. The department may investigate the character of prospective or existing licensees, any member of the licensee's household, and the staff and employees of early

childhood programs by making a national criminal records check. The department may at any time inspect or cause an inspection to be made of any place where a program is operating to determine if such program is being properly conducted.

(2) The rules and regulations adopted and promulgated pursuant to subsection (1) of this section shall contain provisions which encourage the involvement of parents in child care for their children and insure the availability, accessibility, and high quality of services for children in day care homes. The rules and regulations shall be adopted and promulgated pursuant to the Administrative Procedure Act, except that the department shall hold a public hearing in each geographic area of the state prior to the adoption, amendment, or repeal of any rule or regulation. A review of the rules and regulations for day care homes as such rules and regulations existed on January 1, 1988, shall be conducted by the department and shall be completed on or before January 1, 1989.

Sec. 5. Sections 1 and 6 of this act shall become operative on July 1, 1989, and the remaining sections shall become operative on their effective date.

Sec. 6. That original section 71-1911, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 7. That original section 79-444, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1912 and 79-1915, Revised Statutes Supplement, 1987, are repealed.".

2. On page 9, line 22, strike ", nursery school,".

LEGISLATIVE BILL 1100. Placed on General File as amended.
Standing Committee amendments to LB 1100:
AM1822

1. On page 8, line 10, strike "certified" and insert "certificate".

2. On page 106, line 18, strike "one hundred fifty" and insert "seventy-five"; and in line 22 strike "seventy-five" and insert "forty".

3. On page 121, line 2, after "Psychology" insert "or by an equivalent accrediting agency as determined by the board".

4. On page 122, lines 17 and 18, strike the

new matter.

5. On page 123, line 18, after "of" insert "supervised postdoctoral".

6. On page 127, lines 13 and 15, strike "twenty-four", show as stricken, and insert "twenty-eight".

7. On page 135, line 17, strike "written".

8. On page 171, line 17, strike "license" and insert "licensee".

LEGISLATIVE BILL 694. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARINGS
Agriculture

LB 1158	Tuesday, February 16, 1988 (cancelled)	1:30 p.m.
LB 1158	Tuesday, February 9, 1988 (reset)	1:30 p.m.
LB 1228	Tuesday, February 9, 1988 (cancelled)	1:30 p.m.
LB 1228	Tuesday, February 16, 1988 (reset)	1:30 p.m.
LR 270CA	Tuesday, February 9, 1988 (cancelled)	1:30 p.m.
LR 270CA	Tuesday, February 16, 1988 (reset)	1:30 p.m.
LR 271CA	Tuesday, February 9, 1988 (cancelled)	1:30 p.m.
LR 271CA	Tuesday, February 16, 1988 (reset)	1:30 p.m.
LB 1187	Tuesday, February 16, 1988 (cancelled)	1:30 p.m.
LB 1187	Tuesday, February 23, 1988 (reset)	1:30 p.m.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 180 in the Journal. No objections. So ordered.

AM1793

(Amendments to Final Reading copy)

1. On page 2, strike beginning with "to" in line 1 through the semicolon in line 2.

2. Strike original section 10.

3. Renumber original section 11 as section 10.

Mr. Schmit asked unanimous consent to print the following amendment to LB 375 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1826.)

UNANIMOUS CONSENT - Add Co-Introducer

Ms. Scofield asked unanimous consent to have her name added as co-introducer to LB 1117. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dale Caskey and Dale Barth.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Wesely, the Legislature adjourned until 9:00 a.m., Tuesday, February 2, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 2, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 2, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Fred Moore, Northwest Hills United Church of Christ, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Coordsen and Hall who were excused; and Messrs. Ashford, Chambers, McFarland, Moore, Remmers, Withem, Mesdames Higgins, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 790.

(Signed) Scott Moore, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 1233.

LB	Committee
1233	Banking, Commerce and Insurance

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

REPORT

Received report from the Department of Public Institutions, Department of Social Services, and Department of Health on the implementation of the Medicaid Home and Community-Based Waiver and Case Management Option for persons with mental retardation.

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 1987 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Republican	
McKelvie and McNally, Attorneys	50.00
Upper Loup	None

MOTION - Approve Appointments

Mr. Haberman moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointments found in the Journal on page 615: James Murphy - Public Employees Retirement Board; Ron Saalfeld - Public Employees Retirement Board.

Voting in the affirmative, 28:

Abboud	Bernard-Stevens	Campbell	Elmer	Hartnett
Baack	Beyer	Conway	Goodrich	Johanns
Barrett		Dierks	Haberman	Johnson, L.

Johnson, R.	Lamb	Lynch	Schellpeper	Warner
Johnson, V.	Landis	Marsh	Scofield	Wehrbein
Korshoj	Langford	Miller	Smith	

Voting in the negative, 0.

Present and not voting, 11:

Chizek	Labedz	Nelson	Rogers	Weihing
Hannibal	Morehead	Peterson	Schmit	Wesely
Hefner				

Excused and not voting, 10:

Ashford	Coordsen	Higgins	Moore	Remmers
Chambers	Hall	McFarland	Pirsch	Withem

These appointments were confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

MOTION - Rerefer LB 1042

Mr. McFarland renewed his pending motion found in the Journal on page 621 to rerefer LB 1042 from the Appropriations Committee to the Education Committee.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

The McFarland motion to rerefer lost with 13 ayes, 23 nays, 10 present and not voting, and 3 excused and not voting.

MOTION - Withdraw LB 1213

Mr. Peterson moved to withdraw LB 1213.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 814. Placed on Select File.

LEGISLATIVE BILL 1012. Placed on Select File as amended.
E & R amendments to LB 1012:
AM5307

1. In the Standing Committee amendments, AM1721, adopted February 1, 1988, on page 1, line 5, strike "poisonings" and insert "poisoning"; and in line 7 after "results" insert an underscored comma and after "except" insert "that".

2. On page 2, line 1, strike "and"; and in line 7 after "1987" insert "; and to declare an emergency".

3. On page 4, line 17; and page 11, line 8, strike "Center" and insert "Centers".

4. On page 6, line 6, after "control" insert "rules and".

5. On page 7, line 6, strike "make", show as stricken, and insert "adopt and promulgate".

6. On page 8, line 14, after "by" insert "rule and".

7. On page 10, line 18, strike "poisoning", show as stricken, and insert "poisonings"; and in line 22 strike "any" and show as stricken.

8. On page 12, line 19, reinstate the stricken comma.

9. On page 13, line 23; and page 14, lines 2 and 4, strike the semicolon, show as stricken, and insert an underscored comma.

10. On page 14, line 5, strike the semicolon and insert an underscored comma.

11. On page 15, line 1, after the first "or" insert "any".

(Signed) Scott Moore, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1229	Wednesday, February 10, 1988	1:30 p.m.
LB 903	Wednesday, February 10, 1988	1:30 p.m.
LB 1202	Thursday, February 11, 1988	1:30 p.m.
LB 1181	Thursday, February 11, 1988	1:30 p.m.

LB 950	Wednesday, February 24, 1988	1:30 p.m.
LB 1043	Wednesday, February 24, 1988	1:30 p.m.
LB 882	Thursday, February, 25, 1988	1:30 p.m.
LB 1092	Thursday, February, 25, 1988	1:30 p.m.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 1031. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 372.

A BILL FOR AN ACT relating to adoption; to amend sections 43-107, 43-119, 43-129, and 71-626.01, Reissue Revised Statutes of Nebraska, 1943, and sections 43-109 and 43-113, Revised Statutes Supplement, 1986; to provide requirements for adoptions; to require medical histories as prescribed; to provide certain forms; to provide access to certain information as prescribed; to provide procedures; to provide for fees and rules and regulations; to define a term; to correct an internal reference; to harmonize provisions; 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, 47:

Abboud	Chizek	Higgins	Langford	Pirsch
Ashford	Conway	Johanns	Lynch	Remmers
Baack	Dierks	Johnson, L.	Marsh	Rogers
Barrett	Elmer	Johnson, R.	McFarland	Schellpeper
Bernard-Stevens	Goodrich	Johnson, V.	Miller	Schmit
	Haberman	Korshoj	Moore	Scofield
Beyer	Hannibal	Labedz	Morehead	Smith
Campbell	Hartnett	Lamb	Nelson	Warner
Chambers	Hefner	Landis	Peterson	Wehrbein

Weihing Wesely Withem

Voting in the negative, 0.

Excused and not voting, 2:

Coordsen Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 372A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 372, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Conway	Johnson, L.	Marsh	Rogers
Ashford	Dierks	Johnson, R.	McFarland	Schellpeper
Baack	Elmer	Johnson, V.	Miller	Schmit
Barrett	Goodrich	Korshoj	Moore	Scofield
Bernard-Stevens	Haberman	Labedz	Morehead	Smith
	Hannibal	Lamb	Nelson	Warner
Beyer	Hartnett	Landis	Peterson	Weihing
Campbell	Hefner	Langford	Pirsch	Wesely
Chambers	Higgins	Lynch	Remmers	Withem
Chizek	Johanns			

Voting in the negative, 0.

Present and not voting, 1:

Wehrbein

Excused and not voting, 2:

Coordsen Hall

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 relating to road construction; to amend section 39-810, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the letting of certain county contracts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Dierks	Johnson, R.	McFarland	Schellpeper
Ashford	Elmer	Johnson, V.	Miller	Schmit
Baack	Goodrich	Korshoj	Moore	Scofield
Barrett	Haberman	Labedz	Morehead	Smith
Bernard-Stevens	Hannibal	Lamb	Nelson	Warner
Beyer	Hartnett	Landis	Peterson	Wehrbein
Campbell	Hefner	Langford	Pirsch	Weihing
Chizek	Johanns	Lynch	Remmers	Wesely
Conway	Johnson, L.	Marsh	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers Higgins

Excused and not voting, 2:

Coordsen Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 488.

A BILL FOR AN ACT relating to financial institutions; to provide for the deposit of funds of the state and political subdivisions in

certain financial institutions; to provide duties for the Revisor of Statutes; to provide an operative date; 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, 47:

Abboud	Conway	Johnson, L.	McFarland	Schellpeper
Ashford	Dierks	Johnson, R.	Miller	Schmit
Baack	Elmer	Johnson, V.	Moore	Scofield
Barrett	Goodrich	Korshoj	Morehead	Smith
Bernard-Stevens	Haberman	Labedz	Nelson	Warner
	Hannibal	Lamb	Peterson	Wehrbein
Beyer	Hartnett	Landis	Pirsch	Weihing
Campbell	Hefner	Langford	Remmers	Wesely
Chambers	Higgins	Lynch	Rogers	Withem
Chizek	Johanns	Marsh		

Voting in the negative, 0.

Excused and not voting, 2:

Coordsen Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 537.

A BILL FOR AN ACT relating to drugs and narcotics; to amend section 28-401, Reissue Revised Statutes of Nebraska, 1943; to define controlled substance analogue; and to repeal the original section.

Whereupon the 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	Conway	Goodrich
Ashford	Bernard-Stevens	Campbell	Dierks	Hannibal
Baack		Chizek	Elmer	Hartnett

Hefner	Labedz	McFarland	Pirsch	Smith
Higgins	Lamb	Miller	Remmers	Warner
Johanns	Landis	Moore	Rogers	Wehrbein
Johnson, L.	Langford	Morehead	Schellpeper	Weihing
Johnson, R.	Lynch	Nelson	Schmit	Wesely
Johnson, V.	Marsh	Peterson	Scofield	Withem
Korshoj				

Voting in the negative, 0.

Present and not voting, 2:

Chambers Haberman

Excused and not voting, 2:

Coordsen Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 594.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4603, 2-4605, 2-4608, 2-4610, and 2-4612, Revised Statutes Supplement, 1986; to redefine a term; to change provisions relating to erosion and sediment control; to provide powers and duties; to authorize the use of certain practices 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	Chizek	Hefner	Lamb	Morehead
Ashford	Conway	Higgins	Landis	Nelson
Baack	Dierks	Johanns	Langford	Peterson
Barrett	Elmer	Johnson, L.	Lynch	Pirsch
Bernard-Stevens	Goodrich	Johnson, R.	Marsh	Remmers
	Haberman	Johnson, V.	McFarland	Rogers
Beyer	Hannibal	Korshoj	Miller	Schellpeper
Campbell	Hartnett	Labedz	Moore	Schmit

Scofield	Warner	Weihing	Wesely	Withem
Smith	Wehrbein			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Coordsen Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 625.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-503, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to when the mayor may vote; and to repeal the original section.

Whereupon the 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	Chizek	Johanns	Lynch	Schellpeper
Ashford	Conway	Johnson, L.	Marsh	Schmit
Baack	Dierks	Johnson, R.	McFarland	Scofield
Barrett	Elmer	Johnson, V.	Miller	Smith
Bernard-Stevens	Goodrich	Korshoj	Morehead	Warner
	Haberman	Labedz	Peterson	Wehrbein
Beyer	Hannibal	Lamb	Pirsch	Weihing
Campbell	Hartnett	Landis	Remmers	Wesely
Chambers	Hefner	Langford	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 3:

Higgins Moore Nelson

Excused and not voting, 2:

Coordsen Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 705.

A BILL FOR AN ACT relating to the public power industry; to state intent; and to require a study of the public power industry 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, 40:

Abboud	Chizek	Higgins	Marsh	Schmit
Ashford	Conway	Johnson, L.	McFarland	Scofield
Baack	Dierks	Johnson, V.	Miller	Smith
Barrett	Elmer	Labedz	Nelson	Warner
Bernard-Stevens	Haberman	Lamb	Peterson	Wehrbein
	Hannibal	Landis	Pirsch	Weihing
Beyer	Hartnett	Langford	Remmers	Wesely
Campbell	Hefner	Lynch	Rogers	Withem
Chambers				

Voting in the negative, 3:

Goodrich Korshoj Schellpeper

Present and not voting, 4:

Johanns Johnson, R. Moore Morehead

Excused and not voting, 2:

Coordsen Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 977	Wednesday, February 10, 1988	1:30 p.m.
LB 985	Wednesday, February 10, 1988	1:30 p.m.
LB 1082	Wednesday, February 10, 1988	1:30 p.m.

(Signed) Dennis Baack, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 612. Placed on General File.

LEGISLATIVE RESOLUTION 248CA. Placed on General File.

LEGISLATIVE BILL 828. Placed on General File as amended.
Standing Committee amendments to LB 828:
AM1768

1. On page 2, line 4, strike "used," and insert "obsolete or unusable"; in line 13 strike "used," and insert "obsolete or unusable"; in line 18 strike "of" and insert "paid by the purchaser for"; and in line 19 after "paid" insert "by the purchaser".

2. On page 3, line 7, strike "is used and"; and in line 22 strike "used," and insert "obsolete or unusable".

3. Insert the following new section:

"Sec. 4. That section 23-3104, Revised Statutes Supplement, 1986, be amended to read as follows:

23-3104. As used in the County Purchasing Act, unless the context otherwise requires:

(1) Mobile equipment shall mean all vehicles propelled by any power other than muscular, including, but not limited to, motor vehicles, off-road designed vehicles, motorcycles, passenger cars, self-propelled mobile homes, truck-tractors, trucks, cabin trailers, semitrailers, trailers, utility trailers, 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, ditchdigging apparatus, asphalt spreaders, bucket

loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, and crawler tractors;

(2) Personal property shall include, but not be limited to, supplies, materials, and equipment used by or furnished to any county officer, office, department, institution, board, or other agency of the county government;

~~(2)~~ (3) Services shall mean election contractual services and any and all telephone, telegraph, postal, and electric light and power service and other similar services; and

~~(3)~~ (4) Purchasing or purchase shall mean the obtaining of personal property or services by sale, lease, or other contractual means. Purchase shall also include contracting with sheltered workshops for products or services as provided in Chapter 48, article 15.".

4. On page 5, line 5, after the semicolon insert "(5) dispose of by sale personal property which has been declared obsolete or unusable surplus by the county board. Such property with a value of less than five hundred dollars may be sold without competitive bidding. Property with a value of five hundred dollars or more shall be sold through competitive bidding;"; in line 7 reinstate the stricken "(6)"; in line 8 strike "(5)"; in line 12 strike the new matter and reinstate the stricken matter; and in line 17, after the first comma insert "23-3104,".

5. Renumber remaining sections accordingly.

LEGISLATIVE BILL 1166. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

MOTION - Reconsider Action on LB 428

Mr. V. Johnson renewed his pending motion found in the Journal on page 528 to reconsider the Final Reading vote on LB 428.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 372, 372A, 429, 488, 537, 594, 625, and 705.

MOTION - Reconsider Action on LB 428

The V. Johnson pending motion found in the Journal on page 528 to reconsider the Final Reading vote on LB 428 was renewed.

Mrs. Morehead moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mr. V. Johnson requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 30:

Abboud	Chizek	Hefner	Marsh	Rogers
Ashford	Conway	Johnson, V.	McFarland	Warner
Baack	Elmer	Labedz	Miller	Wehrbein
Bernard-Stevens	Goodrich	Landis	Morehead	Weihing
Beyer	Haberman	Langford	Nelson	Wesely
Campbell	Hartnett	Lynch	Remmers	Withem

Voting in the negative, 16:

Barrett	Higgins	Johnson, R.	Moore	Schmit
Chambers	Johanns	Korshoj	Peterson	Scofield
Dierks	Johnson, L.	Lamb	Schellpeper	Smith
Hannibal				

Present and not voting, 1:

Pirsch

Excused and not voting, 2:

Coordsen Hall

The V. Johnson motion to reconsider prevailed with 30 ayes, 16 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MOTION - Return LB 428 to Select File

Mrs. Smith and Mr. Moore moved to return LB 428 to Select File for their specific amendment, AM1813, printed separate from the Journal and referred to on page 592.

Mr. V. Johnson 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. Moore requested a roll call vote on the Smith-Moore motion to return.

Voting in the affirmative, 22:

Barrett	Dierks	Johnson, R.	Moore	Schellpeper
Bernard-Stevens	Elmer	Korshoj	Peterson	Schmit
Chambers	Hannibal	Labedz	Pirsch	Scofield
Conway	Johanns	Lamb	Remmers	Smith
	Johnson, L.	Landis		

Voting in the negative, 25:

Abboud	Chizek	Higgins	McFarland	Warner
Ashford	Goodrich	Johnson, V.	Miller	Wehrbein
Baack	Haberman	Langford	Morehead	Weihing
Beyer	Hartnett	Lynch	Nelson	Wesely
Campbell	Hefner	Marsh	Rogers	Withem

Excused and not voting, 2:

Coordsen Hall

The Smith-Moore motion to return lost with 22 ayes, 25 nays, and 2 excused and not voting.

MOTION - Bracket LB 428

Mr. Moore moved to bracket LB 428 until February 3, 1988.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

The Moore motion to bracket lost with 24 ayes, 23 nays, and 2 excused and not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 955. Placed on General File.
LEGISLATIVE BILL 1054. Placed on General File.

LEGISLATIVE BILL 988. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

Education

LEGISLATIVE BILL 905. Placed on General File.
LEGISLATIVE BILL 1117. Placed on General File.
LEGISLATIVE BILL 1124. Placed on General File.

LEGISLATIVE BILL 232. Indefinitely postponed.
LEGISLATIVE BILL 371. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 1020	Wednesday, February 10, 1988	1:30 p.m.
LB 1030	Wednesday, February 10, 1988	1:30 p.m.
LB 1199	Wednesday, February 10, 1988	1:30 p.m.
LB 1186	Wednesday, February 10, 1988	1:30 p.m.
LB 920	Thursday, February 11, 1988	1:30 p.m.
LB 951	Thursday, February 11, 1988	1:30 p.m.
LB 968	Thursday, February 11, 1988	1:30 p.m.
LB 1129	Thursday, February 11, 1988	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 987A. Introduced by Remmers, 1st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 987, Ninetieth Legislature, Second Session, 1988.

LEGISLATIVE BILL 839A. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 839, Ninetieth Legislature, Second Session, 1988.

LEGISLATIVE BILL 815A. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 815, Ninetieth Legislature, Second Session, 1988.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and Wesely asked unanimous consent to print the following amendment to LB 557 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1827.)

Mr. Lynch asked unanimous consent to print the following amendment to LB 506A in the Journal. No objections. So ordered.

AM1620

1. Strike the original section and insert the following new section:

"Section 1. There is hereby appropriated (1) $616,470 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $634,963 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Department of Health, for Program 177, to

aid in carrying out the provisions of Legislative Bill 506, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $384,703 for the period July 1, 1988, to June 30, 1989, nor $396,243 for the period July 1, 1989, to June 30, 1990.".

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 966. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1824.)

(Signed) Don Wesely, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 2, 1988, at 11:15 a.m., were the following bills: 372, 372A, 429, 488, 537, 594, 625, and 705.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lamb asked unanimous consent to have his name added as co-introducer to LB 1117. No objections. So ordered.

ANNOUNCEMENT

Mrs. Morehead announced the General Affairs Committee will meet Wednesday, February 3, 1988 at 7:15 a.m. in Room 1520.

VISITORS

Visitors to the Chamber were Gary Spear from Auburn; Lou Menniger, Lyndy Carmen, and Dean Woodmen; and former governor Frank Morrison.

MOTION - Adjournment

Mr. Elmer moved to adjourn. The motion prevailed with 25 ayes, 21 nays, 1 present and not voting, and 2 excused and not voting, and at 12:09 p.m., on a motion by Mr. Elmer, the Legislature adjourned until 9:00 a.m., Wednesday, February 3, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 3, 1988

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 3, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Lynch who was excused; and Messrs. Ashford, Bernard-Stevens, Chambers, Conway, Hall, Hannibal, Moore, Remmers, Schellpeper, Schmit, Wesely, Mesdames Higgins, Morehead, Smith, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 568, line 18, strike "362" and insert "377".
The Journal for the Sixteenth Day was approved as corrected.
The Journal for the Eighteenth Day was approved.

MOTION - Place LB 988 on General File

Mr. Abboud moved to place LB 988 on General File notwithstanding the action of the Judiciary Committee.

Laid over.

MOTION - Withdraw LB 1213

Mr. Peterson renewed his pending motion found in the Journal on page 631 to withdraw LB 1213.

The Peterson motion to withdraw prevailed with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 551A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 517. Title read. Considered.

Mrs. Labedz and Mr. Hall withdrew their pending amendment, AM1651, found in the Journal on page 478.

Mr. Landis withdrew his pending amendment, AM0915, found in the Journal on page 1576, First Session, 1987.

Mrs. Marsh offered the following amendment:
AM1787

1. On page 2, line 5, strike "must" and insert "shall"; and strike beginning with "ensure" in line 6 through "abortion" in line 10 and insert "provide comprehensive health programs which promote sound, informed decisionmaking in an effort to decrease the number of unintended pregnancies".

2. On page 3, strike beginning with "and" in line 9 through "for" in line 10 and insert ". Programs should encourage the support and involvement of"; in line 11 strike beginning with the comma through "responsibility"; strike beginning with "adoption" in line 17 through "abortion" in line 18 and insert "education which enables informed decisions to be made regarding pregnancy and parenting"; in line 21 strike "may provide" and insert "limits"; and in line 22 strike "to" and insert "for".

3. On page 4, line 23, strike "thirteen" and insert "fourteen"; and in line 24 after "Health" insert "or his or her designee, one member shall be the

Director of Social Services or his or her designee,".

4. On page 5, line 1, strike "pregnancy" and after "services" insert ", including family planning professionals, educators, and medical professionals,"; in line 19 strike the comma and "programs and"; in line 20 strike "services include" and insert "provide" and strike "and" and insert "or"; in line 21 after the period insert "The Department of Health shall review grant applications and make a recommendation to the board regarding the approval or disapproval of each application, except that the board shall not be required to accept such recommendations."; and in line 23 strike "clinics" and insert "centers" and after "in" insert "or near".

5. On page 6, line 6, strike "Residential facilities" and insert "Housing assistance"; in line 13 strike "clinics" and insert "centers" and after "in" insert "or near"; in line 18 strike "adoption center" and insert "adolescent pregnancy prevention program"; in line 19 strike "adoption" and insert "adolescent pregnancy"; in line 21 strike "adoption" and insert "comprehensive health"; and strike beginning with "The" in line 21 through line 23.

6. On page 7, line 1, strike "adoption center" and insert "adolescent pregnancy prevention program"; in line 4 after the third comma insert "parents,"; in line 5 strike "county" and insert "state"; in line 11 strike "adoption" and insert "comprehensive health"; and in line 13 strike "adoption" and insert "responsible decisionmaking".

7. On page 8, line 12, after the period insert "The State Department of Education shall provide the Department of Health with copies of all reports submitted pursuant to this section.".

8. On page 9, line 13, strike "and"; and in line 14 strike "protective behavior" and insert "prevention of sexual abuse;

(g) The effects of drug and alcohol abuse on fetal development; and

(h) Sexually transmitted diseases".

9. On page 10, line 9, after "education" insert "which provides an instructional program pursuant to subsection (2) of this section"; in line 11 strike "teachers," and strike "administrators" and insert

"personnel"; in line 20 strike "department" and insert "State Department of Education"; and in line 21 after the period insert "The State Department of Education shall provide the Department of Health with copies of all reports filed pursuant to this section.".

Mrs. Langford 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. Labedz requested a record vote on the Marsh amendment.

Voting in the affirmative, 8:

Baack	Bernard-Stevens	Chambers	Landis	Miller
		Johanns	Marsh	Morehead

Voting in the negative, 29:

Abboud	Dierks	Johnson, L.	Nelson	Schmit
Barrett	Elmer	Johnson, R.	Peterson	Smith
Beyer	Goodrich	Johnson, V.	Pirsch	Warner
Campbell	Hall	Labedz	Remmers	Wehrbein
Chizek	Hartnett	Lamb	Rogers	Withem
Coordsen	Hefner	Langford	Schellpeper	

Present and not voting, 8:

Conway	Korshoj	Moore	Weihing	Wesely
Haberman	McFarland	Scofield		

Excused and not voting, 4:

Ashford	Hannibal	Higgins	Lynch

The Marsh amendment lost with 8 ayes, 29 nays, 8 present and not voting, and 4 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation 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 C. Kayton - State Highway Commission

Voting aye: Senators Lamb, Beyer, Campbell, Pirsch, Rogers, Schellpeper. Voting nay: None. Not Voting: Senator Wesely. Absent: Senator Ashford.

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Terry D. Malcom - State Highway Commission

Voting aye: Senators Lamb, Beyer, Campbell, Pirsch, Rogers, Schellpeper. Voting nay: None. Not Voting: Senator Wesely. Absent: Senator Ashford.

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 992. No objections. So ordered.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 1157. Placed on General File.

(Signed) R. W. Remmers, Chairperson

Business and Labor

LEGISLATIVE BILL 868. Placed on General File.
LEGISLATIVE BILL 1034. Placed on General File.

LEGISLATIVE BILL 923. Placed on General File as amended.
Standing Committee amendment to LB 923:
AM1835

1. On page 5, line 17, strike "seventy" and insert "fifty".

LEGISLATIVE BILL 1146. Placed on General File as amended.
Standing Committee amendments to LB 1146:
AM1834

1. On page 2, line 24, strike "agreement".
2. On page 3, line 1, after the period insert "The agreement or document creating a trust for use under this section shall contain a provision that the trust may only be terminated upon the consent and approval of the compensation court. Any beneficial interest in the trust principal shall be only for the benefit of the past or present employees of the self-insurer. Any limitation on the termination of a trust and all other restrictions on the ownership or transfer of beneficial interest in the trust assets contained in such agreement or document creating the trust shall be enforceable, except that any limitation or restriction shall be enforceable only if authorized and approved by the compensation court and specifically delineated in the agreement or document.".
3. On page 6, strike lines 1 through 9 and insert:

"(2) Any security, indemnity, trust, or bond provided by a self-insurer pursuant to section 48-145 shall be deemed a surety for the purposes of the payment of valid claims of the self-insurer's employees as generally provided in this chapter.".

LEGISLATIVE BILL 1069. Indefinitely postponed.

(Signed) Timothy Hall, Chairperson

GENERAL FILE

LEGISLATIVE BILL 517. Mrs. Labedz moved to indefinitely postpone.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

Mrs. Marsh requested a record vote on the Labedz motion to indefinitely postpone.

Voting in the affirmative, 34:

Abboud	Coordsen	Johanns	McFarland	Schmit
Baack	Dierks	Johnson, L.	Moore	Scofield
Barrett	Elmer	Korshoj	Peterson	Smith
Beyer	Haberman	Labedz	Pirsch	Warner
Campbell	Hall	Lamb	Remmers	Wehrbein
Chizek	Hartnett	Landis	Rogers	Weihing
Conway	Hefner	Langford	Schellpeper	

Voting in the negative, 7:

Bernard-Stevens	Johnson, V.	Miller	Nelson	Wesely
	Marsh	Morehead		

Present and not voting, 4:

Chambers	Goodrich	Johnson, R.	Withem

Excused and not voting, 4:

Ashford	Hannibal	Higgins	Lynch

The Labedz motion to indefinitely postpone prevailed with 34 ayes, 7 nays, 4 present and not voting, and 4 excused and not voting.

MOTION - Reconsider Action on LB 517

Mr. Chambers moved to reconsider the vote on the motion to indefinitely postpone LB 517.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

The Chambers motion to reconsider lost with 9 ayes, 27 nays, 8 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 1169. Placed on General File.
LEGISLATIVE BILL 1170. Placed on General File.

LEGISLATIVE BILL 160. Placed on General File as amended.
Standing Committee amendment to LB 160:
AM1839

1. Strike the original sections and insert the following new sections:

"Section 1. That section 79-1522.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1522.01. In lieu of the school retirement allowance provided by section 79-1522, any member who is not an employee of a Class V school district and who becomes eligible to make application for and receive a school retirement allowance under section 79-1520 may receive a formula annuity retirement allowance.

Subject to the other provisions of this section, the monthly formula annuity in the normal form shall be determined by multiplying the number of years of service for which such member would otherwise receive the service annuity provided by section 79-1522 (1) by one and one-quarter percent of his or her final average compensation, (2) by one and one-half percent of his or her final average compensation, or (3) by one and sixty-five hundredths percent of his or her final average compensation. If the annuity begins prior to the sixty-fifth birthday of the member and the member has completed thirty-five or more years of creditable service and is at least sixty years of age, the annuity shall not be reduced. If the annuity begins prior to the sixty-fifth birthday of the member and the member has completed five or more but less than thirty years of creditable service, the annuity at the date it begins shall be reduced by three percent for each year after the member's sixtieth birthday and prior to his or her sixty-fifth birthday. If the annuity begins on or after

the sixtieth birthday of the member and the member has completed at least thirty but less than thirty-five years of creditable service, the annuity at the date it begins shall be reduced by three percent for each year by which the member's years of creditable service is less than thirty-five years or for each year by which the member is less than sixty-five years of age, whichever provides the greater annuity. A member ~~must~~ shall have acquired the equivalent of one-half year of service or more as a public school employee under the school retirement system following August 24, 1975, to be eligible for computation of his or her formula annuity using one and one-quarter percent of his or her final average compensation as one of the factors, ~~must~~ shall have acquired the equivalent of one-half year of service or more as a public school employee under the school retirement system following July 17, 1982, to be eligible for computation of his or her formula annuity using one and one-half percent of his or her final average compensation as one of the factors, or ~~must~~ shall have acquired the equivalent of one-half year of service or more as a public school employee under the school retirement system following July 1, 1984, to be eligible for computation of his or her formula annuity using one and sixty-five hundredths percent of his or her final average compensation as one of the factors.

The normal form of the formula annuity shall be an annuity payable monthly during the remainder of the member's life with the provision that in the event of his or her death before sixty monthly payments have been made the monthly payments shall be continued to his or her estate or to such beneficiary as he or she shall have designated until sixty monthly payments have been made. A member may elect to receive in lieu of the normal form of annuity an actuarially equivalent annuity in any optional form provided by section 79-1530.

Final average compensation for full-time employees shall be determined by dividing the member's total compensation subject to required deposits for the three fiscal years in which such compensation was the highest by thirty-six. Final average compensation for part-time employees shall be determined by dividing total adjusted compensation subject to required deposits for the three fiscal years in which such adjusted

compensation was the highest by thirty-six. If a member has such compensation for less than three such fiscal years his or her final average compensation shall be determined by dividing his or her total compensation in all such years by twelve times the total number of years of his or her service therefor. Adjusted compensation for any year shall be equal to actual pay times the ratio of one to the actual credited service for such year. A member ~~must~~ shall have acquired the equivalent of one-half year of service or more as a public school employee under the school retirement system following August 24, 1975, to be eligible for computation of his or her formula annuity using only five fiscal years in the determination of his or her final average compensation.

All formula annuities shall be paid from the Annuity Reserve Fund. Upon the granting of a formula annuity, there shall be transferred to the Annuity Reserve Fund: (a) From the Service Annuity Fund, the value of the service annuity which would otherwise be payable; (b) from the School Employees' Savings Fund, the accumulated contributions of the member; and (c) from the School Employer's Deposit Fund, the value of the formula annuity in excess of the amounts transferred from the Service Annuity Fund and the School Employees' Savings Fund. The amounts transferred from the Service Annuity Fund at any time after such member attains sixty years of age and prior to his or her sixty-fifth birthday or thirty-five years of creditable service shall be on an actuarially reduced basis.

For the purpose of providing the funds to be transferred from the School Employer's Deposit Fund for formula annuities, every employer shall be required to make deposits in the School Employer's Deposit Fund. Such deposits shall be a uniform percentage of the required contributions of the school employees of each employer and shall be transmitted to the retirement board at the same time and in the same manner as such required employee contributions. ~~In the fiscal year commencing July 1, 1968, such uniform percentage shall be twenty percent of the required school employee contributions. For each fiscal year thereafter, such~~ The uniform percentage shall be determined by the retirement board upon recommendation of the actuary and

shall be determined by deducting from the then present value of all future amounts to be transferred from the School Employer's Deposit Fund the amount then credited to such fund and dividing the remainder by the present value of the prospective future required contributions of all employees of the school districts covered by this section.

Sec. 2. That section 79-1522.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1522.02. No provision of section 79-1512, 79-1522.01, 79-1531, 79-1533, or 79-1540 which would result in an increase in benefits that would have been payable prior to July 1, 1984, shall apply to any person until that person has acquired the equivalent of one-half year of service or more as a school employee under the school retirement system following July 1, 1984.

No provision of sections 79-1522.01, 79-1529, 79-1531, or 79-1533 which would result in an increase in benefits that would have been payable prior to July 1, 1986, shall apply to any person until that person has acquired the equivalent of one-half year of service or more as a school employee under the school retirement system following July 1, 1986.

No provisions of sections 79-1522.01, 79-1529, 79-1531, or 79-1533 which would result in an increase in benefits that would have been payable prior to the effective date of this act shall apply to any person unless he or she is employed on such date and has acquired five hundred sixteen or more hours as a school employee under the school retirement system during or after fiscal year 1987-88.

Sec. 3. That section 79-1529, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1529. If any member ceases to be a school employee for any reason other than death, before qualifying for retirement under section 79-1520, the board shall, upon request, issue him or her a certified service record and statement of accumulated contributions and retain such member's accumulated contributions. In such event, no further contributions shall be required, interest on accumulated contributions

shall continue to be credited to his or her account, and none of the member's retirement rights shall be canceled. At age sixty-five or after thirty-five years of creditable service, such member shall become eligible to the retirement allowance provided in sections 79-1522 and 79-1522.01. Any deferred formula annuity provided shall be based on the member's salary preceding the date of termination as if the member had retired on his or her date of termination. At the option of the terminating member and if such member has completed at least five but less than thirty-five years of creditable service, such annuity may commence at any time after such member attains the age of sixty and before his or her sixty-fifth birthday and shall be reduced by the percentages prescribed in section 79-1522.01. Such election by the terminating member may be made at any time prior to the commencement of the annuity payments.

Sec. 4. That original sections 79-1522.01, 79-1522.02, and 79-1529, 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.".

LEGISLATIVE BILL 965. Indefinitely postponed.

(Signed) Rex Haberman, Chairperson

Education

LEGISLATIVE BILL 165. Placed on General File.
LEGISLATIVE BILL 904. Placed on General File.
LEGISLATIVE BILL 1077. Placed on General File.

LEGISLATIVE BILL 841. Placed on General File as amended.
Standing Committee amendment to LB 841:
AM1847

1. On page 3, strike lines 3 to 12 and insert the following new subsection:

"(2) Commencing with the 1989-90 school year, no public school shall have a regular school term opening date earlier than September 1. This subsection shall not apply to any school district which converts to year-round operation as authorized by sections 79-201.01

to 79-201.09. This subsection shall terminate on July 1, 1991.".

LEGISLATIVE BILL 916. Placed on General File as amended.
Standing Committee amendments to LB 916:
AM1848

1. On page 5, line 10, after "Class" insert "school" and after "districts" insert "offering education in grades kindergarten through six, not less than nineteen cents, and in Class I school districts offering education in grades kindergarten through eight"; in line 12 after "V" insert "school"; and in line 15 after "VI" insert "school" and after "districts" insert "offering education in grades seven through twelve, not less than twenty-three cents, and in Class VI school districts offering education in grades nine through twelve".

2. Strike original section 7 and insert the following new section:

"Sec. 7. It is the intent of the Legislature to restore funding to the School Foundation and Equalization Fund to the amount actually appropriated by the Legislature for the 1982-83 school year, which amount was one hundred thirty-three million seven hundred sixteen thousand one hundred dollars.".

LEGISLATIVE BILL 970. Placed on General File as amended.
Standing Committee amendment to LB 970:
AM1828

1. On page 3, line 12, after "funds" insert ", except that the financial records of a Class I school district shall be examined by a public accountant or certified public accountant every three years"; and in line 19 after "15" insert ", except that a copy of a report regarding the examination of a Class I school district shall only be filed with the Commissioner of Education".

LEGISLATIVE BILL 1073. Placed on General File as amended.
Standing Committee amendments to LB 1073:
AM1846

1. On page 3, after line 2, insert the following new subsection:

"(2) For purposes of this section,

environmental hazard shall mean any contamination of the air, water, land surface, or subsurface caused by any substance adversely affecting human health or safety if such substance has been declared hazardous by a federal or state statute or regulation."; in line 3 strike "(2)", show as stricken, and insert "(3)"; in line 4 after "taxes" insert ", not to exceed three and one-half cents per hundred dollars of taxable valuation,"; and in line 14 strike "(3)", show as stricken, and insert "(4)".

2. On page 4, reinstate the stricken matter beginning with "In" in line 1 through "August" in line 2; in lines 2 and 3 strike the new matter and insert "1, 1993. The Commissioner of Education shall, by January 1, 1993, deliver a report to the Legislature estimating the amount of hazardous materials which remain in the public schools of the state"; in line 5 strike "(4)", show as stricken, and insert "(5)"; and in line 14 strike "(5)" and insert "(6)".

LEGISLATIVE BILL 1081. Indefinitely postponed.
LEGISLATIVE BILL 1139. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1100A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1100, Ninetieth Legislature, Second Session, 1988.

LEGISLATIVE BILL 1013A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1013, Ninetieth Legislature, Second Session, 1988.

LEGISLATIVE BILL 1008A. Introduced by Morehead, 30th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1008, Ninetieth Legislature, Second Session, 1988.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 953 in the Journal. No objections. So ordered.

1. Strike section 1, and insert the following new section:

Sec. 1. If it is determined that an instream appropriation has not been put to beneficial use for more than three consecutive years as a result of water quality conditions, the director of Water Resources may cancel such appropriation, unless the Director finds that there has been sufficient cause for such nonuse. Sufficient cause for nonuse shall be deemed to exist if such water quality conditions are not permanent and are likely to diminish within a reasonable period, but no greater than three years. The Director shall not adjudicate any disputed instream appropriation more than once in any three year period.

Mr. Chizek asked unanimous consent to print the following amendment to LB 352 in the Journal. No objections. So ordered.

AM1831

(Amendments to AM1610)

1. On page 2, strike beginning with "Any" in line 15 through the underscored period in line 20 and insert:

"Any individual who is a party to a formal hearing before an agency may demand that such hearing be held in the county of his or her residence within the State of Nebraska by delivering to such agency, at least twenty days prior to the holding of such hearing, a written demand therefor, and such demand shall be granted.

Any corporation who is a party to a formal hearing may demand such hearing be held within the county of residence of its registered agent within the State of Nebraska by delivering to such agency, at least twenty days prior to the holding of such hearing, a written demand therefor, and such demand shall be granted. If there is more than one nongovernment party to the hearing and each such party resides in a

different county, the parties may jointly and unanimously demand that the hearing be conducted in one of their counties of residence pursuant to this subsection. If the parties do not so demand, the hearing officer shall set the location of the hearing, giving due deference to the residences of the parties.".

GENERAL FILE

LEGISLATIVE BILL 402. Title read. Considered.

Standing Committee amendment, AM0723, found in the Journal on page 1308 for the Fiftieth Day, First Session, 1987, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment:
Amend by changing "shall" to "may" at P. 2, line 10.

Mrs. Nelson and Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Messrs. Remmers and Schellpeper asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

The Chambers amendment was adopted with 25 ayes, 12 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Schmit moved to indefinitely postpone LB 402.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

The Schmit motion to indefinitely postpone prevailed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

MESSAGES FROM THE GOVERNOR

February 3, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 111, 362, 478, 550, 788, 789, 791, 792, 793, 794, 795, 796, 797, 798 and 799 were received in my office on January 29, 1988.

These bills were signed by me on February 3, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

February 3, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 249, 666, 697, 713, 800, 801, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, and 927 were received in my office on February 1, 1988.

These bills were signed by me on February 3, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 944. Placed on General File as amended.
Standing Committee amendments to LB 944:
AM1867

1. Strike original sections 3 and 5.
2. On page 2, line 5, strike "sections 3 and 4" and insert "section 3".
3. On page 15, strike beginning with "section" in line 2 through the second comma in line 3.
4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 945. Indefinitely postponed.

(Signed) Patricia S. Morehead, Chairperson

Transportation

LEGISLATIVE BILL 1127. Placed on General File.
LEGISLATIVE BILL 1093. Placed on General File.

LEGISLATIVE BILL 900. Indefinitely postponed.
LEGISLATIVE BILL 1125. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

Education

LEGISLATIVE BILL 890. Placed on General File as amended.
Standing Committee amendments to LB 890:
AM1862

1. Strike beginning with "The" on page 2, line 25, through page 3, line 7, and show as stricken.
2. Insert the following new section:

"Sec. 3. (1) The University of Nebraska, the technical community college areas, the state colleges, the Nebraska Coordinating Commission for Postsecondary Education, and the Department of Health shall establish a joint advisory committee to ensure coordinated program development and delivery in nursing education and the allied health professions. By August 1, 1988, the advisory committee shall develop a format and criteria for evaluating nursing education in Nebraska which shall

include, but not be limited to, (a) a methodology for the identification of current and future nursing personnel and education needs, (b) the identification of existing and potentially duplicative programs and potential cooperative nursing programs, (c) an assessment of financial impact, including a breakdown of the existing or projected nursing program costs and the proportion of the costs borne by the student, state and local tax funds, and other revenue sources, (d) an assessment of the availability of appropriate clinical experiences, and (e) the identification of policies and procedures to promote maximum career mobility, including, but not limited to, (i) policies to articulate nursing curricula with the long-range goal of attaining ladder options beginning with the licensed practical nursing program to at least the bachelors of science in nursing program level and (ii) policies to ensure employment of qualified faculty.

(2) All new and existing public sector nursing programs shall provide the information requested by the advisory committee by September 30, 1988. It is the intent that the independent institutions participate voluntarily in this process. The advisory committee shall submit a comprehensive plan for nursing education in Nebraska to the Nebraska Coordinating Commission for Postsecondary Education by November 30, 1988. The plan shall include, but not be limited to, (a) the identification of current and future nursing personnel needs and nursing education needs, (b) the identification of all necessary existing nursing programs and those nursing programs which may need to be added over the next five years, (c) the identification of procedures to articulate nursing programs and an identification of those existing nursing programs which are currently articulated, and (d) the identification of procedures and standards which will ensure that qualified faculty are employed and that adequate clinical facilities exist which will promote the maintenance or attainment of fully articulated programs.

(3) The Nebraska Coordinating Commission for Postsecondary Education shall review the plan, make any changes it deems appropriate, and forward the plan to the Education Committee of the Nebraska Legislature by not later than February 1, 1989. The Education

Committee, at its discretion, may require a hearing on the plan. If no hearing is held before April 15, 1989, the plan shall be deemed operational. The plan shall be reviewed biennially by the advisory committee and shall be updated at least every five years.

(4) Subject to the limitations of sections 85-917 to 85-966, new public sector nursing programs identified in the plan as being necessary in the next five years may be initiated by the appropriate public sector institutions and new public programs not identified in the plan as being necessary in the next five years shall not be initiated with the use of state or local tax funds. It is the intent of the Legislature that independent institutions comply voluntarily with the recommendations contained in the plan.".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 940. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1851.)

(Signed) Ron Withem, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 418A. Introduced by Withem, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 418, Ninetieth Legislature, Second Session, 1988.

LEGISLATIVE BILL 1117A. Introduced by Withem, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1117, Ninetieth Legislature, Second Session, 1988.

LEGISLATIVE BILL 1011A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1011, Ninetieth Legislature, Second Session, 1988.

VISITORS

Visitors to the Chamber were 35 members of the League of Women Voters of Nebraska; Bob Lowry from Cairo; and Senator Hefner's son and daughter-in-law, Doug and Sharron Hefner, and grandchildren, Jill, Jason, and Laura from Bloomfield.

ADJOURNMENT

At 12:19 p.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Thursday, February 4, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 4, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 4, 1988

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Richard Gayley, Zion United Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Campbell who was excused; and Messrs. Ashford, Baack, Bernard-Stevens, Chambers, Chizek, Conway, Haberman, Hannibal, R. Johnson, Schellpeper, Schmit, Warner, Mesdames Higgins, Morehead, Nelson, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 551A. Placed on Select File.

(Signed) Scott Moore, Chairperson

MOTION - Approve Appointments

Mr. Beyer moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 652: Robert C. Kayton - State Highway Commission; Terry D. Malcom - State Highway Commission.

Voting in the affirmative, 25:

Abboud	Goodrich	Johnson, L.	Lynch	Rogers
Barrett	Hall	Korshoj	Miller	Scofield
Beyer	Hartnett	Lamb	Moore	Smith
Coordsen	Hefner	Landis	Peterson	Wehrbein
Elmer	Johanns	Langford	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 7:

Dierks	Labedz	McFarland	Weihing	Wesely
Johnson, V.	Marsh			

Excused and not voting, 17:

Ashford	Campbell	Haberman	Morehead	Schellpeper
Baack	Chambers	Hannibal	Nelson	Schmit
Bernard-Stevens	Chizek	Higgins	Pirsch	Warner
	Conway	Johnson, R.		

These appointments were confirmed with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 693. The Lynch pending amendment, AM1656, found in the Journal on page 486, and amended on page 623, was renewed.

Mr. Lynch offered the following amendment to the pending Lynch amendment:

on line 6 strike beginning with "a" through the word "home" in line 7.

The Lynch amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

The pending Lynch amendment, AM1656, as amended, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Mr. Wesely renewed his pending amendment, AM1802, found in the Journal on page 563.

The Wesely amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Lynch offered the following amendment:
AM1892

(Amendments to AM 1656)

1. Strike amendment 1 and all amendments thereto and insert the following new amendment:

"1. On page 7, line 4, after 'board' insert ', except that two years of successful experience as an administrator of a domiciliary or residential care facility of at least one hundred residents, immediately preceding application for licensure may be considered equivalent to the requirements prescribed in subdivision (1)(b) of this section. The board shall evaluate the experience of an applicant requesting the substitution of the requirements listed in subdivision (1)(b) of this section with two years of experience and shall obtain the affidavit of at least two licensed nursing home administrators in Nebraska, testifying that the applicant is of good moral character and in good standing as an administrator. In no case shall the board accept such substitution if the health care facility while under the direction and administration of the applicant had its license suspended, denied, or revoked.'.".

The Lynch 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 693A. E & R amendments, AM5246, found in the Journal on page 286 for the Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 646. E & R amendments, AM5289, found in the Journal on page 449 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 490. E & R amendments, AM5303, printed separate from the Journal and referred to on page 518 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE RESOLUTION 15CA. E & R amendments, AM5302, found in the Journal on page 519 for the Fourteenth Day were adopted.

Mr. V. Johnson offered the following amendment:
On page 2, line 10, strike "without", and insert lieu thereof "outside";
on page 2, line 11, strike "or certificate";
on page 3, line 5, strike "or certificate";
on page 3, line 7, strike "without" and insert in lieu thereof "outside".

The V. Johnson amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 758. E & R amendments, AM5304, found in the Journal on page 572 for the Sixteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 814. Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARINGS
General Affairs

Governor Appointments Monday, February 22, 1988 1:30 p.m.
Fred R. "Bob" Sikyta - Nebraska Liquor Control Commission
Helen L. Hayes - Nebraska Arts Council
Helen W. Cherniak - Nebraska Arts Council

LB 909	Monday, February 22, 1988	1:30 p.m.
LB 929	Monday, February 22, 1988	1:30 p.m.
LB 901	Monday, February 22, 1988	1:30 p.m.
LB 971	Monday, February 22, 1988	1:30 p.m.
LR 252CA	Monday, February 22, 1988	1:30 p.m.
LB 1198	Monday, February 29, 1988	1:30 p.m.
LB 1085	Monday, February 29, 1988	1:30 p.m.
LB 1131	Monday, February 29, 1988	1:30 p.m.

(Signed) Patricia S. Morehead, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 419 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1808.)

GENERAL FILE

LEGISLATIVE BILL 557. Mr. Wesely withdrew his pending motion to indefinitely postpone.

Messrs. Hall and Wesely renewed their pending amendment, AM1827, printed separate from the Journal and referred to on page 645.

The Hall-Wesely amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

PRESIDENT NICHOL 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 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 557A. Title read. Considered.

Mr. Hall renewed his pending amendment, AM1624, found in the Journal on page 446.

The Hall amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 383. Title read. Considered.

Standing Committee amendments, AM0677, found in the Journal on page 1229 for the Forty-Eighth Day, First Session, 1987, 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 383A. Title read. Considered.

Mr. Wesely offered the following amendment:
AM1618

1. Strike the original section and insert the following new section:

"Section 1. There is hereby appropriated (1) $216,851 from the Safe Drinking Water Act Cash Fund for the period July 1, 1988, to June 30, 1989, and (2) $223,318 from the Safe Drinking Water Act Cash Fund for the period July 1, 1989, to June 30, 1990, to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 383, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $161,529 for the period July 1, 1988, to June 30, 1989, nor $166,364 for the period July 1, 1989, to June 30, 1990.".

The Wesely amendment lost with 19 ayes, 0 nays, 27 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.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Johanns asked unanimous consent to have her name added as co-introducer to LB 1097. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1012A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1012, Ninetieth Legislature, Second Session, 1988.

LEGISLATIVE BILL 863A. Introduced by Hall, 7th District; Withem, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 863, Ninetieth Legislature, Second Session, 1988.

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE BILL 1089. Placed on General File as amended.
Standing Committee amendments to LB 1089:
AM1878

1. On page 12, strike beginning with "tavern" in line 9 through the second comma in line 10 and insert "restaurant".

2. On page 13, line 6, strike "any sale of beer," and insert "the sale of any beer"; and in line 10 strike ", other than a brewpub license,".

3. On page 15, line 23, after "only" insert "except for brewpubs".

4. On page 16, line 10, after "only" insert "except for brewpubs"; and in lines 17 and 24 after

"winery" insert "or brewpub"

5. On page 17, line 5, after "winery" insert "or brewpub"; and in line 7 after "only" insert "except for brewpubs".

6. On page 20, line 7, after "winery" insert "or brewpub"; in line 8 after "only" insert "except for brewpubs"; and strike lines 21 through 25.

7. On page 21, strike line 1.

8. Strike original sections 6, 12, 15, 17, and 19.

9. On page 24, line 3, after "retail" insert "or a brewpub license"

10. On page 25, strike the new matter in lines 17 and 18.

11. On page 26, line 10, strike "such"

12. On page 36, line 22, strike "53-130," and "53-146,"; and in line 23 strike "53-166, 53-169.01, 53-185,".

13. Renumber remaining sections accordingly.

(Signed) Patricia S. Morehead, Chairperson

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Governor Appointment Wednesday, February 10, 1988 1:30 p.m.
Dr. Joe L. Williams - State Board of Health

Governor Appointment Thursday, February 11, 1988 1:30 p.m.
Rhonda Purbaugh - Commission for the Hearing Impaired

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 557 in the Journal. No objections. So ordered.

AM1875

(Amendments to AM1686)

1. On page 3, after line 16 insert the following new subdivisions:

"(2) Any person licensed in this state under any other statute from engaging in the practice for

which he or she is licensed;

(3) Any person from providing nutritional services while employed by or operating a health, weight-loss, or fitness program or from disseminating information relating to nutrition with respect to such services;

(4) Any licensed member of the nursing profession or licensed physicians with chiropractic, medical, or osteopathic degrees from exercising his or her rights in the field of nutrition;"; in line 17 strike "(2)" and insert "(5)"; and in line 22 strike "(3)" and insert "(6)".

2. On page 4, line 5, strike "(4)" and insert "(7)"; in line 8 strike "(5)" and insert "(8)"; in line 10 strike "(6)" and insert "(9)"; in line 14 after "to" insert "or education of" and after "products" insert ", including dietary supplements,"; in line 15 strike "accordance" and insert "connection"; and in line 16 after "products" insert "or the rendering of any service".

3. Strike the Elmer amendment adopted January 27, 1988, found on page 478 of the Journal.

UNANIMOUS CONSENT - Room Change

Mr. Warner asked unanimous consent for the Appropriations Committee to hold the hearing scheduled for today, Thursday, February 4, 1988 in the East Chamber. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 520. Title read. Considered.

Standing Committee amendment, AM0724, found in the Journal on page 1308 for the Fiftieth Day, First Session, 1987, lost with 0 ayes, 14 nays, 32 present and not voting, and 3 excused and not voting.

Mr. McFarland offered the following amendment:
to strike Section 7 of LB 520

SPEAKER BARRETT PRESIDING

The McFarland amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Lamb offered the following amendment:
Strike Sec. 4(3)

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

The Lamb amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 862. Placed on General File as amended.
Standing Committee amendments to LB 862:
AM1873

1. Insert the following new section:

"Sec. 2. That section 18-1202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1202. Any city or village which has levied or intends to levy a tax as authorized by section 18-1201 for the purposes stated in such section may anticipate the collection of such taxes, including the anticipation of collections from levies to be made in future years, and for such purpose may issue tax anticipation bonds, which shall be payable in not exceeding twenty years and may bear interest, payable annually or semiannually, at such rate or rates as the mayor and council or ~~chairman~~ chairperson and board of trustees may determine. The total of principal and interest payable on such bonds in any calendar year shall not exceed ninety percent of the anticipated tax collection for such calendar year on the assumption that the actual valuation for such city or village in all succeeding years shall be the same as the actual valuation most recently determined prior to passage of the ordinance authorizing such bonds and applying the

tax levy made or agreed to be made by the city or village, but not exceeding three and five-tenths cents on each one hundred dollars, and using tax due and delinquency dates in effect at the time of passage of the bond ordinance. The city or village may agree in such bond ordinance to make and to continue to make a levy under section 18-1201 until such bonds and interest thereon are fully paid. Such bonds shall be secured by such tax so assessed and levied, and shall be payable only out of the funds derived from such tax. It shall be the duty of such city or village on receipt of such taxes to hold the same as a separate fund to the amount of the bonds so issued and the interest thereon, for the purpose of paying or redeeming such bonds.".

2. On page 2, line 19, after "estate" insert "for fire or police station quarters or facilities"; and in line 22 after "quarters" insert "or facilities".

3. On page 3, line 2, strike "section 18-1201" and insert "sections 18-1201 and 18-1202"; and in line 3 strike "is" and insert "are".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 1134. Placed on General File as amended.
Standing Committee amendment to LB 1134:
AM1872

1. On page 2, lines 12 to 13 and 18, strike "more than two hundred" and insert "a sufficient number of"; in line 17 after "council" insert "or village board"; and in line 22 after the period insert "A sufficient number of residents for a village shall mean two hundred residents, for a city of the second class shall mean five hundred residents, and for a city of the first class shall mean one thousand residents.".

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 475. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 1012. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 475. Title read. Considered.

Standing Committee amendments, AM0104, found in the Journal on page 1316 for the Fiftieth Day, First Session, 1987, were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 602. Title read. Considered.

Standing Committee amendments, AM0675, found in the Journal on page 1330 for the Fiftieth Day, First Session, 1987, were considered.

Mr. Elmer offered the following amendment to the Standing Committee amendments:
Add new Sec. 4
Add Emergency Clause

The Elmer amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, 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, 1 nay, 16 present and not voting, and 3 excused and not voting.

Mrs. Johanns asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 606. 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 190. Title read. Considered.

Standing Committee amendment, AM0584, found in the Journal on page 1378 for the Fifty-Second Day, First Session, 1987, lost with 2 ayes, 20 nays, 23 present and not voting, and 4 excused and not voting.

Mr. Hannibal asked unanimous consent to be excused. No objections. So ordered.

Ms. Scofield renewed her pending amendment, AM1786, found in the Journal on page 552, to her pending amendment, AM1566, found in the Journal on page 499.

The Scofield amendment was adopted with 13 ayes, 0 nays, 31 present and not voting, and 5 excused and not voting.

Ms. Scofield renewed her pending amendment, AM1566, found in the Journal on page 499.

The Scofield amendment, as amended, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 878. Placed on General File as amended.
Standing Committee amendment to LB 878:
AM1837

1. Strike original section 1 and insert the following new section:

"Section 1. That section 33-117, Revised Statutes Supplement, 1987, be amended to read as follows:

33-117. (1) The several sheriffs shall charge and collect fees at the rates specified in this section. The rates shall be as follows: (a) Serving a capias with commitment or bail bond and return, two dollars; (b) serving a search warrant, two dollars; (c) arresting under a search warrant, two dollars for each person so arrested; (d) unless otherwise specifically listed in subdivisions (f) to (s) of this subsection, serving a summons, subpoena, ~~in equity,~~ order of attachment, order

of replevin, other order of ~~injunction, scire facias, citation~~ the court, notice of motion, other notice, ~~order of the court, or~~ other writ ~~and return thereof, ten dollars for the first defendant and two dollars and fifty cents for each of the other defendants in the same case; making a certified copy of a~~ or document, or any combination thereof, including any accompanying or attached documents, ten dollars for each person served, except that when more than one person is served at the same time and location in the same case, the service fee shall be ten dollars for the first person served at that time and location and two dollars and fifty cents for each other person served at that time and location; (e) making a return of each summons, subpoena, ~~in equity,~~ order of attachment, order of replevin, other order of ~~injunction, scire facias, citation~~ the court, notice of motion, other notice, or other writ or document, whether served or not, five dollars; (f) taking and filing a replevin bond or other indemnification to be furnished and approved by the sheriff, one dollar; (g) making a copy of any process, bond, or other paper ~~other than herein~~ not otherwise provided for in this section, twenty-five cents per page; (h) traveling each mile actually and necessarily traveled within or without their several counties in their official duties, three cents more per mile than the rate provided for county officers and employees in section 23-1112, except that the minimum fee shall be fifty cents when the service is made within one mile of the courthouse, and, as far as is expedient, all papers in the hands of the sheriff at any one time shall be served in one or more trips by the most direct route or routes and only one mileage fee shall be charged for a single trip, the total mileage cost to be computed as a unit for each trip and the combined mileage cost of each trip to be prorated among the persons or parties liable for the payment of same; (i) levying a writ or a court order ~~of execution~~ and return thereof, fifteen dollars; ~~levying a writ of possession without the aid of the county, two dollars; levying a writ of possession with the aid of the county, four dollars;~~ (j) summoning a grand jury, not including mileage to be paid by the county, ten dollars; (k) summoning a petit jury, not including mileage to be paid by the county, twelve dollars; (l) summoning a special

jury, for each person impaneled, fifty cents; (m) calling a jury for a trial of a case or cause, fifty cents; (n) executing a writ of restitution or a writ of assistance and return, fifteen dollars; (o) calling an inquest to appraise lands and tenements levied on by execution, one dollar; (p) calling an inquest to appraise goods and chattels taken by an order of attachment or replevin, one dollar; (q) advertising a sale in a newspaper in addition to the price of printing, one dollar; (r) advertising in writing for a sale of real or personal property, five dollars; ~~executing a writ of partition, four dollars;~~ and (s) making deeds for land sold on execution or order of sale, five dollars.

(2)(a) Except as provided in subdivision (b) of this subsection, the ~~The~~ commission due a sheriff on an execution or order of sale, an order of attachment decree, or a sale of real or personal property shall be: For each dollar not exceeding four hundred dollars, six cents; for every dollar above four hundred dollars and not exceeding one thousand dollars, four cents; and for every dollar above one thousand dollars, two cents.

(b) In real estate foreclosure, when any party to the original action purchases the property or when no money is received or disbursed by the sheriff, the commission shall be computed pursuant to subdivision (a) of this subsection but shall not exceed two hundred dollars.

(3) ~~(2)~~ The sheriff shall, on the first Tuesday in January, April, July, and October of each year, make a report to the county board showing (a) the different items of fees, except mileage, collected or earned, from whom, at what time, and for what service, (b) the total amount of the fees collected or earned by the officer since the last report, and (c) the amount collected or earned for the current year. He or she shall pay all fees earned to the county treasurer who shall credit the fees to the general fund of the county.

(4) ~~(3)~~ Any future adjustment made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.

(5) ~~(4)~~ Commencing on and after January 1,

1988, all fees earned pursuant to this section, except fees for mileage, by any constable who is a salaried employee of the State of Nebraska shall be remitted to the clerk of the county court. The clerk of the county court shall pay the same to the General Fund.".

LEGISLATIVE BILL 974. Placed on General File as amended.
Standing Committee amendment to LB 974:
AM1836

1. Strike original section 1 and insert the following new section:

"Section 1. That section 33-117, Revised Statutes Supplement, 1987, be amended to read as follows:

33-117. (1) The several sheriffs or any other person authorized by law to perform service of process duties shall, in each instance specified in this section, charge and collect fees at the rates specified in this section. The rates shall be as follows: (a) Serving a capias with commitment or bail bond and return, two dollars; (b) serving a search warrant, two dollars; (c) arresting under a search warrant, two dollars for each person so arrested; (d) unless otherwise specifically listed in subdivisions (f) to (s) of this subsection, serving a summons, subpoena, ~~in equity,~~ order of attachment, order of replevin, other order of ~~injunction, scire facias, citation~~ the court, notice of motion, other notice, ~~order of the court, or~~ other writ ~~and return thereof, ten dollars for the first defendant and two dollars and fifty cents for each of the other defendants in the same case; making a certified copy of a~~ or document, or any combination thereof, including any accompanying or attached documents, ten dollars for each person served, except that when more than one person is served at the same time and location in the same case, the service fee shall be ten dollars for the first person served at that time and location and two dollars and fifty cents for each other person served at that time and location; (e) making a return of each summons, subpoena, ~~in equity,~~ order of attachment, order of replevin, other order of ~~injunction, scire facias, citation~~ the court, notice of motion, other notice, or other writ or document, whether served or not, five dollars; (f) taking and filing a

replevin bond or other indemnification to be furnished and approved by the sheriff, one dollar; (g) making a copy of any process, bond, or other paper ~~other than herein~~ not otherwise provided for in this section, twenty-five cents per page; (h) traveling each mile actually and necessarily traveled within or without their several counties in their official duties, three cents more per mile than the rate provided for county officers and employees in section 23-1112, except that the minimum fee shall be fifty cents when the service is made within one mile of the courthouse, and, as far as is expedient, all papers in the hands of the sheriff at any one time shall be served in one or more trips by the most direct route or routes and only one mileage fee shall be charged for a single trip, the total mileage cost to be computed as a unit for each trip and the combined mileage cost of each trip to be prorated among the persons or parties liable for the payment of same; (i) levying a writ or a court order ~~of execution~~ and return thereof, fifteen dollars; ~~levying a writ of possession without the aid of the county, two dollars; levying a writ of possession with the aid of the county, four dollars;~~ (j) summoning a grand jury, not including mileage to be paid by the county, ten dollars; (k) summoning a petit jury, not including mileage to be paid by the county, twelve dollars; (l) summoning a special jury, for each person impaneled, fifty cents; (m) calling a jury for a trial of a case or cause, fifty cents; (n) executing a writ of restitution or a writ of assistance and return, fifteen dollars; (o) calling an inquest to appraise lands and tenements levied on by execution, one dollar; (p) calling an inquest to appraise goods and chattels taken by an order of attachment or replevin, one dollar; (q) advertising a sale in a newspaper in addition to the price of printing, one dollar; (r) advertising in writing for a sale of real or personal property, five dollars; ~~executing a writ of partition, four dollars;~~ and (s) making deeds for land sold on execution or order of sale, five dollars.

(2)(a) Except as provided in subdivision (b) of this subsection, the ~~The~~ commission due a sheriff ~~or~~ or other person authorized or ordered to conduct an execution or order of sale, an order of attachment

decree, or a sale of real or personal property shall be: For each dollar not exceeding four hundred dollars, six cents; for every dollar above four hundred dollars and not exceeding one thousand dollars, four cents; and for every dollar above one thousand dollars, two cents.

(b) In real estate foreclosure, when any party to the original action purchases the property or when no money is received or disbursed by the sheriff or other person conducting the sale, the commission shall be computed pursuant to subdivision (a) of this subsection but shall not exceed two hundred dollars.

(3) ~~(2)~~ The sheriff shall, on the first Tuesday in January, April, July, and October of each year, make a report to the county board showing (a) the different items of fees, except mileage, collected or earned, from whom, at what time, and for what service, (b) the total amount of the fees collected or earned by the officer since the last report, and (c) the amount collected or earned for the current year. He or she shall pay all fees earned to the county treasurer who shall credit the fees to the general fund of the county.

(4) ~~(3)~~ Any future adjustment made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.

(5) ~~(4)~~ Commencing on and after January 1, 1988, all fees earned pursuant to this section, except fees for mileage, by any constable who is a salaried employee of the State of Nebraska shall be remitted to the clerk of the county court. The clerk of the county court shall pay the same to the General Fund.".

LEGISLATIVE BILL 1167. Placed on General File as amended.
Standing Committee amendment to LB 1167:
AM1869

1. On page 12, strike the new matter in lines 6 through 10 and insert "Immediately following the first proposition the following statement shall be printed in italic type: NOTE TO VOTER: The above square should be marked if you want (name of person) removed from office. Immediately following the second proposition the following statement shall be printed in italic type: NOTE TO VOTER: The above square should be marked if you

want (name of person) kept in office.".

(Signed) Dennis Baack, Chairperson

VISITORS

Visitors to the Chamber were Mike Ough from North Bend; Delores Konert, Roberta Dunse, and Anna Schluntz from Huntley Public School; Connie Justice and Deb Anderson from Norfolk; 10 students and teachers from Sidney Public Schools; Alan Stennett from Lincoln, England, Ruth Anderson, State Treasurer Frank Marsh, and Betty Stukenholtz; 23 seniors and teacher from Exeter Public School; and former Senator Tom Fitzgerald from Omaha.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Friday, February 5, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 5, 1988

LEGISLATIVE JOURNAL

TWENTY-FIRST DAY - FEBRUARY 5, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 5, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Maurice Goldhammer, Calvary Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mesdames Higgins, Morehead, and Mr. Rogers who were excused; and Messrs. Ashford, Hall, Hartnett, V. Johnson, Landis, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 671, line 35, strike "AM5245" and insert "AM5246".
The Journal for the Twentieth Day was approved as corrected.

RESOLUTION

LEGISLATIVE RESOLUTION 274. Introduced by Peterson, 21st District.

WHEREAS, the town of Newman Grove was incorporated February 9, 1888; and

WHEREAS, this Madison County community has been the home of some of Nebraska's finest citizens for a hundred years; and

WHEREAS, the town of Newman Grove will celebrate its centennial on June 23, 24, 25, and 26, 1988; and

WHEREAS, this celebration will include a historical pageant, parade, exhibits of arts and crafts, barbeque, carnival, teen dance, and offers friends of the community a unique opportunity to recall its past and look ahead to the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations and best wishes to the community of Newman Grove on the occasion of its centennial.

2. That a copy of this resolution be sent to the Newman Grove Centennial Committee, in care of Jeff Gerhart, Newman Grove, NE 68758.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Weihing asked unanimous consent to print the following amendment to LB 840 in the Journal. No objections. So ordered.

AM1877

1. On page 2, line 5, strike beginning with the first comma through "(5)", show the old matter as stricken, and insert "through (6)".

2. On page 4, after line 6, insert the following new subsection:

"(6) All-terrain vehicles may be operated on public sidewalks for snow removal purposes by any city or village.".

ANNOUNCEMENTS

The Business and Labor Committee designates LB 864 and LB 868 as its priority bills.

The Transportation Committee designates LB 1127 as its priority bill.

ATTORNEY GENERAL'S OPINION

Opinion No. 88006

DATE: February 1, 1988

SUBJECT: Impact of LB 258 on the Liability of Volunteer Firefighters and Certified Ambulance Attendants.

REQUESTED BY: Senator Don Wesely
District No. 26

WRITTEN BY: Robert M. Spire, Attorney General
Lisa D. Martin-Price, Assistant Attorney General

QUESTION: 1. Do the liability limitations which were previously incorporated into Neb.Rev.Stat. Sections 71-5111, 71-5511 and 35-107 still apply, or will the provisions of LB 258 replace them?

CONCLUSION: 1. The liability limitations incorporated into Nev.Rev.Stat. Sections 71-5111, 71-5511 and 35-107 will still apply. Our review of pertinent caselaw indicates that special provisions in a statute covering a subject will prevail over general provisions in other statutes.

QUESTION: 2. LB 258 amended Section 23-2402 Paragraph 3 to provide that "volunteer firefighters, and volunteer rescue squad personnel" are "employee(s) of a political subdivision." Of what political subdivisions are they considered to be employees, since services are often provided to more than one political subdivision?

CONCLUSION: 2. We cannot answer this question without more specific information about particular factual situations, because the answer depends on the particular facts of any given situation.

QUESTION: 3. If the certified ambulance attendant is liable only for gross negligence, does this standard also apply to the political subdivision, or is it still liable for the simple negligence of this employee?

CONCLUSION: 3. If a more specific liability standard applies to an employee of the political subdivision, it probably applies to the political subdivision as well.

QUESTION: 4. What constitutes a "single occurrence" for the purposes of Section 23-2416.03?

CONCLUSION: 4. For the purposes of Section 23-2416.03, a "single occurrence" can be defined as any injuries or causes of action arising out of one incident or accident.

QUESTION: 5. Section 23-2402 Paragraph 3 uses the terminology "volunteer rescue squad personnel." Section 71-5102 mandates the licensing of an "ambulance or rescue service." Are "rescue squads" the same as "ambulance or rescue services"?

CONCLUSION: 5. Not entirely. Our review of the relevant statutes indicates that, logically, the reference to "rescue squads" in Section 23-2402 encompasses both the ambulance or rescue services provided for in Section 71-5102 and the "volunteer fire department {or} volunteer first aid, rescue, or emergency squad which provides emergency public first aid and rescue services" referred to in Section 35-107. That is, this provision applies to both rescue services provided by certified ambulance attendants and volunteer firefighters as well as other emergency rescue squad personnel.

QUESTION: 6. If a certified ambulance attendant is acting as a volunteer firefighter, which liability limitation standard is applicable, Section 35-107 or 71-5111? Conversely, if a volunteer firefighter is acting as a certified ambulance attendant, which liability limitation is applicable?

CONCLUSION: 6. Again, the answer to this question depends on the facts of a given situation. However, in its most simplistic form, if a certified ambulance attendant is acting only as a volunteer firefighter and is not employing any of his skills as a certified ambulance attendant, the liability limitation standard in Section 35-107 would logically apply. This analysis would also apply to the converse fact situation.

In questions one and three of your opinion request, you ask essentially the same question: Do the liability limitations which were previously incorporated into Neb.Rev.Stat. Sections 71-5111, 71-5511 and 35-107 still apply, or will the provisions of LB 258 replace them? Before we can answer this question, reference needs to be made to the relevant statutes.

LB 258, which has since been enacted as the Political Subdivisions Tort Claims Act, provides in Nev.Rev.Stat. §23-2416.01 (1987 Supp.) that:

(1) No suit shall be commenced against any employee of a political subdivision for money on account of damage to or loss of property or personal injury to or the death of any person caused by any negligent or wrongful act or omission of the employee while acting

in the scope of his or her office or employment occurring after May 13, 1987, unless a claim has been submitted in writing to the governing body of the political subdivision within one year after such claim accrued in accordance with section 23-2404. (Emphasis added.)

Neb.Rev.Stat. §23-2402 (1987 Supp.) was amended by LB 258 to include volunteer firefighters and volunteer rescue squad personnel as employees of political subdivisions. Thus, the general provisions of the Political Subdivisions Tort Claims Act provide that a political subdivision is liable for the simple negligence of its employees.

However, Neb.Rev.Stat. §71-5111 (1987 Supp.) and §35-107 (Reissue 1984) provide that certified ambulance attendants and volunteer firefighters or other volunteer first aid, rescue or emergency squads, respectively, are not liable for damages resulting from his or her act or omission as long as he acts in good faith, unless he or she causes damage by a willful, wanton or grossly negligent act or omission.

Although it appears that these statutes are inconsistent, the Nebraska Supreme Court has established guidelines for interpreting conflicting provisions in different statutes. In Glockel v. State Farm Mutual Automobile Insurance Company, 219 Neb. 222, 361 N.W.2d 559 (1985), the court noted:

It is a well established rule that special provisions of a statute in regard to a particular subject will prevail over general provisions in the same or other statutes so far as there is a conflict. Houser v. School Dist. of South Sioux City, 189 Neb. 323, 202 N.W.2d 621. Where general and special provisions of statues are in conflict, the general law yields to the special, without regard to priority of dates in enacting the same, and a special law will not be repealed by general provisions unless by express words or necessary implication. Bass v. County of Saline, 171 Neb. 538, 106 N.W.2d 860. (Emphasis added.)

Id. at 231, 361 N.W.2d at 565; Kibbon v. School Dist. of Omaha, 196 Neb. 293, 298-99, 242 N.W.2d 634, 637 (1976).

Thus, it is apparent that the special provisions in Sections 71-5111 and 35-107 limiting the liability of certified ambulance attendants and volunteer firefighters and other rescue or emergency squad personnel to wanton, willful or grossly negligent acts or omissions applies even if they are employed by a political subdivision. That is, unless LB 258 repealed these special provisions "by express words or necessary implication," they should be applied over the general provisions.

To aid in making this determination, the Nebraska Supreme Court set forth the following guidelines regarding the construction of statutes:

> The legislative intent is the cardinal rule in the construction of statutes. All statutes relating to the same subject are considered as parts of a homogeneous system and later statutes are considered as supplementary to preceding enactments. Statutes relating to the same subject, although enacted at different times, are in pari materia and should be construed together.

Northwest High School District No. 82 v. Hessel, 210 Neb. 219, 223, 313 N.W.2d 656, 658 (1981). After reviewing the legislative history behind LB 258, it is clear that the legislature did not intend to repeal Sections 71-5111 and 35-107 setting forth special standards of liability for certain employees; rather, it was intended to prescribe a uniform method for filing tort suits against employees of political subdivisions. It was also intended to place a ceiling on the limit of liability to a political subdivision for the negligence of its employees. There is no language in the legislative history reflecting an intent to repeal any special standards for employee liability. The provision stating that a political subdivision is liable for the simple negligence of its employees takes effect in the absence of some statutory provisions setting forth a special liability standard for a certain employee.

In your second inquiry, you state that LB 258 provides that "volunteer firefighters, and volunteer rescue squad personnel" are "employee(s) of a political subdivision." In this regard, you ask of which political subdivision are they considered to be employees, since services are often provided to more than one political subdivision? The answer to this question depends upon the specific facts in a particular situation. Without any factual information, we can only speculate as to the situations that may arise where it is unclear as to which political subdivision employs the person in question. Therefore, we are unable to answer your question at this time.

Thirdly, you ask if a certified ambulance attendant is liable only for gross negligence, does this standard also apply to the political subdivision, or is it still liable for the simple negligence of this employee? Although this is a grey area, after reviewing the statutes and pertinent caselaw, we conclude that, if a more specific liability standard applies to an employee of the political subdivision, it probably applies to the political subdivision as well.

In the Political Subdivisions Tort Claims Act, a tort claim is defined as follows:

> Tort claim shall mean any claim against a political subdivision for money only on account of damage to or loss of property or on account of personal injury or death, caused by the negligent or wrongful act or omission of any employee of the political subdivision, while acting within the scope of his or her office or

> employment, under circumstances in which the political subdivision, if a private person, would be liable to the claimant for such damage, loss, injury, or death, but shall not include any claim accruing before January 1, 1970. (Emphasis added.)

Neb.Rev.Stat. §23-2402(4) (1987 Supp.). From this, it is apparent that the Legislature intended that a political subdivision be held liable only for the negligent acts of its employees if it could be held liable as a private person or corporation. The liability provisions in the Act are most analogous to the liability limits in the doctrine of respondeat superior, which makes the employer liable to the same extent as its employee. 53 Am.Jur.2d, Master and Servant, §407.

Moreover, as discussed previously, the specific liability provisions contained in Sections 71-5111 and 35-107 control over the general liability provisions contained in Section 23-2416.01. Thus, since certified ambulance attendants and volunteer rescue squad personnel would only be liable for their willful, wanton, or grossly negligent acts, it would be absurd to hold the political subdivision liable for their simple negligence. In this regard, the Nebraska Supreme Court has stated:

> A sensible construction will be placed upon a statute to effectuate the object of the legislation rather than a literal meaning that would have the effect of defeating the legislative intent. . . . It is a fundamental rule of construction that in construing statutes this court will, if possible, try to avoid a construction which leads to absurd, unjust, or unconscionable results.

Adkisson v. City of Columbus, 214 Neb. 129, 133-134, 333 N.W.2d 661, 664-665 (1983).

Significantly, the legislative history of the Act does not demonstrate that the legislature intended to hold a political subdivision to a standard of liability greater than that of its employees. Clearly, the Act provides that a political subdivision is liable for the simple negligence of its employees if there are no specific statutory provisions subjecting them to a more limited standard of liability. For example, a truck driver or common laborer would be subject to liability for his simple negligence. However, if there are more specific statutory provisions setting forth the standard of liability for an employee, these prevail over the general provisions of the Act as it pertains to the employee and the political subdivision.

The next issue you raise is what constitutes a "single occurrence" for the purposes of Section 23-2416.03? Neb.Rev.Stat. §23-2416.03 (1987 Supp.) provides:

> The total amount recoverable against any employee for claims filed pursuant to section 23-2416.01 or 23-2416.02 arising out of

an occurrence after May 13, 1987, shall be limited to: (1) One million dollars for any person for any number of claims arising out of a single occurrence; and (2) five million dollars for all claims arising out of a single occurrence. (Emphasis added.)

The meaning of the phrase "single occurrence" can be inferred from its usage in some negligence cases in this state. For example, in P.R. Halligan Post 163 v. Schultz, 212 Neb. 329, 331, 322 N.W.2d 657, 658 (1982), this court stated: "The judicial unit for an appeal is the final determination of the issues arising from a set of facts involved in the same transaction or occurrence, and not the determination of an individual issue not disposing of the action." Looking at this language in conjunction with the plain language of the statute, we interpret the phrase "single occurrence" to mean any injuries or causes of action arising out of one incident or accident.

In your fifth inquiry, you state that Section 23-2402 Paragraph 3 uses the terminology "volunteer rescue squad personnel." Additionally, Section 71-5102 mandates the licensing of an "ambulance or rescue service." You then ask the question whether or not "rescue squads" are the same as "ambulance or rescue services"? Our interpretation of this phrase is based upon a logical analysis of the statutes involved.

In drafting this portion of the Political Subdivisions Tort Claims Act, we think that the legislature used the phrase "volunteer firefighters and volunteer rescue squad personnel" to encompass both the "ambulance or rescue services" provided for in Section 71-5102 and the "volunteer first aid, rescue, or emergency squad which provides emergency public first aid and rescue services" referred to in Section 35-107. That is, this provision incorporates the rescue services provided by certified ambulance attendants with the services provided by volunteer firefighters and other emergency rescue squad personnel into a single reference.

Finally, you ask if a certified ambulance attendant is acting as a volunteer firefighter, which liability standard is applicable, Section 35-107 or 71-5111? Conversely, if a volunteer firefighter is acting as a certified ambulance attendant, which liability limitation is applicable? Again, the answer to this question depends upon the specific facts of a given situation. For this reason, we can not provide you with an in-depth answer to your question. However, if we break your question down to its most simplistic form, it is apparent that if a certified ambulance attendant is acting only as a volunteer firefighter and is not employing any of his skills as a certified ambulance attendant, the liability limitation standard in Section 35-107 would logically apply. This analysis would also apply to the converse fact situation.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Lisa D. Martin-Price
Assistant Attorney General

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

REPORT

Received report from the Nebraska Research and Development Authority in accordance with Nebraska Revised Statutes Supp., 1986 Sec. 58-401 et seq.

BILL ON FIRST READING

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

LEGISLATIVE BILL 854A. Introduced by Johanns, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 854, Ninetieth Legislature, Second Session, 1988; and to declare an emergency.

MOTION - Place LB 988 on General File

Mr. Abboud renewed his pending motion found in the Journal on page 648 to place LB 988 on General File notwithstanding the action of the Judiciary Committee.

Mr. Withem 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. Abboud requested a record vote on his motion to place on General File.

Voting in the affirmative, 10:

Abboud	Elmer	Johnson, L.	Langford	Pirsch
Coordsen	Goodrich	Lamb	Peterson	Warner

Voting in the negative, 23:

Baack	Chizek	Johanns	Nelson	Wehrbein
Barrett	Conway	Johnson, R.	Remmers	Weihing
Bernard-Stevens	Dierks	Landis	Schellpeper	Wesely
	Hall	Marsh	Scofield	Withem
Chambers	Hannibal	Moore	Smith	

Present and not voting, 9:

Beyer	Haberman	Korshoj	McFarland	Schmit
Campbell	Hefner	Lynch	Miller	

Excused and not voting, 7:

Ashford	Higgins	Labedz	Morehead	Rogers
Hartnett	Johnson, V.			

The Abboud motion lost with 10 ayes, 23 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith and Mr. Moore asked unanimous consent to print the following amendment to LB 428 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1899.)

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Campbell asked unanimous consent to have her name added as co-introducer to LB 1097. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 4, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Erickson & Sederstrom
Thone, Charles - Lincoln, Spence Title Services, Inc./American Land Title
Husa, Norman L. - Barneston, IMN/Joint Strategy Action Team
Merritt, Jack C. - Lincoln, Body Toning Association of Nebraska
Vickers, Tom - Lincoln, Class IIIs of Nebraska

WITHDRAW - Amendment to LB 180

Mr. Wesely withdrew his pending amendment, AM1793, found in the Journal on page 627 to LB 180.

MOTION - Return LB 180 to Select File

Mr. Schmit moved to return LB 180 to Select File for the following specific amendment:
amend LB 180 by striking section 10

The Schmit motion to return prevailed with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 180. The Schmit specific amendment found in this day's Journal was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 180 to Select File

Mr. Schmit moved to return LB 180 to Select File for the following specific amendment:
AM1730

(Amendment to Final Reading Copy)

1. Insert the following new sections:

"Section 1. The Public Service Commission shall regulate the provision of the service of providing information to telephone callers for a fee, including, but not limited to, dial data and 976 service, by

telecommunications companies and others. Such regulation shall include the regulation of rates charged for such service.

Sec. 2. That section 86-803, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-803. (1) Except as provided in sections 86-801 to 86-811, telecommunications companies shall be subject to regulation by the commission. Telecommunications companies shall not, however, be subject to any rate regulation by the commission and shall not be subject to provisions as to rates and charges prescribed in Chapter 75, articles 1 and 6, other than rate regulation permitted under section 1 of this act. Telecommunications companies shall, instead, file rate lists for their telecommunications services which shall be effective after ten days' notice to the commission with the exception of monthly rates for basic local exchange services.

(2) Except as provided in subsection (4) of this section, monthly basic local exchange rates may be changed by a telecommunications company effective after sixty days' notice to all affected subscribers. Such notice shall include (a) the reasons for the rate increase, (b) a description of the affected service, (c) an explanation of the right of the subscriber to petition the commission for a public hearing on the rate increase, (d) a list of exchanges which are affected by the proposed rate increase, and (e) the dates, times, and places for the public informational meetings required by this section. A telecommunications company which proposes to increase its basic local exchange rate shall hold at least one public informational meeting in each commission district as established by section 5-107 in which it provides basic local exchange service prior to the effective date of the rate increase. If the telecommunications company presently charges different rates for residential or business basic service among various exchanges, increases or decreases in basic local exchange rates need not be uniform for all exchanges until all residential basic local exchange rates are fully equalized and all business basic local exchange rates are fully equalized. Thereafter, the amount of any increase or decrease in a business basic local

exchange rate or residential basic local exchange rate made pursuant to this section shall be the same for all business service subscribers or for all residential service subscribers within the local service area of the telecommunications company making such increase or decrease. For purposes of this section, local service area shall mean the total area within the state for which a basic local exchange service is provided by a telecommunications company.

(3) The commission shall review basic local exchange rates set by any telecommunications company only upon formal complaint signed by (a) five percent of all affected subscribers if the telecommunications company has up to fifty thousand access lines in service, (b) three percent of all affected subscribers if the telecommunications company has fifty thousand but not more than two hundred fifty thousand access lines in service, or (c) two percent of all affected subscribers if the telecommunications company has more than two hundred fifty thousand access lines in service. The complaint shall specifically set forth the particular rate or charge as to which review is requested, the reasons for the requested review, and the relief which the complainants desire. If a proper complaint is presented to the commission within sixty days from the date notice of the rate change was sent to subscribers, the commission shall accept and file the complaint and, upon proper notice, may suspend the rates and charges at issue during the pendency of the proceedings and reinstate the rates and charges previously in effect and shall hold and complete a hearing thereon within ninety days after filing to determine if the rates as proposed are fair, just, and reasonable. The commission may, within sixty days after close of the hearing, enter an order adjusting the rates and charges at issue, except that the commission may not set any rate or charge below the actual cost of providing such service as established by the evidence received at the hearing. In such order, the commission may order a refund of amounts collected in excess of the rates and charges as approved at the hearing which may be paid as a credit against billings for future services. A telecommunications company shall not increase its rates without the approval of the commission for six months from the date the commission

enters such order. If the commission fails to enter any order within sixty days after the close of the hearing, the complaint shall be deemed denied and the rates and charges shall be deemed approved for all purposes including for purposes of appeal. For purposes of this section, actual cost shall also include a ratable portion of administrative expenses and overhead incurred by the telecommunications company in its operations and the appropriate amortization of previously deferred accounting costs. This subsection shall terminate on August 31, 1991.

(4) A telecommunications company may at any time file an application with the commission requesting the commission to prescribe fair and reasonable rates for the company or such telecommunications company may elect to proceed, if eligible, under section 75-609.01. Such proceedings shall be governed by Chapter 75, articles 1 and 6, and shall not be limited by subsection (2) of this section. Any rate so set may thereafter be adjusted as provided in subsections (1) and (2) of this section.

(5) In setting rates for interexchange services, telecommunications companies that provide such services shall continue to average their rates for all such services on a statewide basis until August 31, 1991, unless the commission, upon application and hearing, orders otherwise. This subsection shall not prohibit volume discounts or other discounts based on reasonable business purposes. With regard to interexchange telecommunications services, nothing in sections 86-801 to 86-811 shall preempt or affect any right, liability, cause of action, duty, or obligation arising from any law with regard to unfair business practices or anticompetitive activity.

(6) The commission shall retain quality of service regulation over the services provided by all telecommunications companies and shall investigate and resolve subscriber complaints concerning quality of telecommunications service, subscriber deposits, and disconnection of service. If such complaint cannot be resolved informally, then, upon petition by the subscriber, the commission shall set the matter for hearing in accordance with the commission's rules and regulations for notice and hearing and may by order

render its decision granting or denying in whole or in part the subscriber's petition or provide such other relief as is reasonable based on the evidence presented to the commission at the hearing. Any such order of the commission may be enforced against any telecommunications company as provided in sections 75-140 to 75-145 and may be appealed.

(7) Except as provided in subsection (4) of this section, the commission may, on its own motion, review basic local exchange rates of any telecommunications company if the company has increased such rates by more than ten percent within any consecutive twelve-month period. The commission shall hold and complete a hearing on such rates within ninety days after first giving notice of such hearing to the telecommunications company to determine if the rates as proposed are fair, just, and reasonable. The commission may, within sixty days after close of the hearing, enter an order adjusting the rates and charges at issue, except that the commission may not set any rate or charge below the actual cost of providing such service as established by the evidence received at the hearing. In such order, the commission may order a refund of amounts collected in excess of the rates and charges as approved at the hearing which may be paid as a credit against billings for future services. If the commission fails to enter any order within sixty days after the close of the hearing, the rates and charges shall be deemed approved for all purposes, including for purposes of appeal. For purposes of this subsection, actual cost shall also include a ratable portion of administrative expenses and overhead incurred by the telecommunications company in its operations and the appropriate amortization of previously deferred accounting costs.

(8) The commission may order that flat rate services shall be available whenever measured service is implemented and that for such services the price restrictions prescribed in sections 86-801 to 86-811 shall be retained. Measured service shall mean basic local exchange service, the rate for which is a combination of a flat rate access line charge plus usage charges which may be based upon number of calls, length of call, distance, and time of day.

(9) Rates being charged by telecommunications

companies on January 1, 1987, shall be deemed to be the effective rates until changed or altered pursuant to sections 86-801 to 86-811.

(10) No telecommunications company may change its basic local exchange rate within ninety days after entry of a final order adjusting such rate pursuant to subsections (3), (4), and (7) of this section.

(11) Any order of the commission entered pursuant to authority granted in sections 86-801 to 86-811 may be appealed by any party to the proceeding in accordance with sections 75-136 to 75-139.".

2. On page 1, line 1, after "sections" insert "86-803,"; and in line 3 after the semicolon insert "to authorize regulation of certain services;".

3. On page 2, line 2, after the semicolon insert "to harmonize provisions;".

4. On page 5, line 21; page 6, line 6; page 10, lines 16 and 22; and page 11, line 7, strike "6 and 9" and insert "8 and 11".

5. On page 10, line 25, strike "6" and insert "8".

6. On page 12, line 1, after "sections" insert "86-803,".

7. Renumber the remaining sections accordingly.

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. Schmit requested a roll call vote on his motion to return.

Voting in the affirmative, 14:

Abboud	Elmer	Hall	Lamb	Miller
Chambers	Goodrich	Johnson, R.	Landis	Schmit
Dierks	Haberman	Labedz	McFarland	

Voting in the negative, 23:

Baack	Beyer	Hannibal	Korshoj	Nelson
Barrett	Chizek	Hefner	Langford	Pirsch
Bernard-Stevens	Conway	Johanns	Marsh	Remmers
	Coordsen	Johnson, L.	Moore	Scofield

Smith	Warner	Weihing	Wesely	

Present and not voting, 5:

Campbell	Lynch	Peterson	Schellpeper	Wehrbein

Excused and not voting, 7:

Ashford	Higgins	Morehead	Rogers	Withem
Hartnett	Johnson, V.			

The Schmit motion to return lost with 14 ayes, 23 nays, 5 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 273.

A BILL FOR AN ACT relating to drugs and narcotics; to amend sections 27-504, 28-401, 28-411, 28-414, 28-415, 28-417, and 28-418, Reissue Revised Statutes of Nebraska, 1943, and section 71-148, Revised Statutes Supplement, 1987; to provide an exception to the physician-patient privilege; to provide immunity as prescribed; to redefine a term; to change provisions relating to records for certain controlled substances; to change provisions relating to prescription requirements; to change provisions relating to certain unlawful acts; to make certain acts relating to controlled substances illegal; to harmonize provisions; 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, 41:

Abboud	Campbell	Elmer	Johanns	Landis
Baack	Chambers	Goodrich	Johnson, L.	Langford
Barrett	Chizek	Haberman	Johnson, R.	Marsh
Bernard-Stevens	Conway	Hall	Korshoj	McFarland
	Coordsen	Hannibal	Labedz	Miller
Beyer	Dierks	Hefner	Lamb	Moore

Nelson	Remmers	Scofield	Warner	Weihing
Peterson	Schellpeper	Smith	Wehrbein	Wesely
Pirsch	Schmit			

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 7:

Ashford	Higgins	Morehead	Rogers	Withem
Hartnett	Johnson, V.			

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, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Conway	Johanns	Marsh	Schmit
Baack	Coordsen	Johnson, L.	McFarland	Scofield
Barrett	Dierks	Johnson, R.	Miller	Smith
Bernard-Stevens	Elmer	Korshoj	Moore	Warner
	Goodrich	Labedz	Nelson	Wehrbein
Beyer	Haberman	Lamb	Peterson	Weihing
Campbell	Hall	Landis	Pirsch	Wesely
Chambers	Hannibal	Langford	Schellpeper	Withem
Chizek	Hefner			

Voting in the negative, 0.

Present and not voting, 2:

Lynch Remmers

Excused and not voting, 6:

Ashford Higgins Johnson, V. Morehead Rogers
Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 802.

A BILL FOR AN ACT relating to schools; to amend sections 10-127, 23-922, 51-411, 51-412, 51-417, 68-621, 68-625, 68-627, 72-1237.01, 77-1238, 77-2350, 77-2350.01, 77-2350.02, 77-2352, 79-321.01, 79-494, 79-499, 79-4,103, 79-4,105, 79-802, 79-1233, 79-1240, 79-1247.03, 79-1247.04, 79-1247.10, 79-1247.11, 79-1247.13, 79-2636, 79-2637, 79-2640, 79-2644, 79-2648, 79-2649, 79-2650.09, 85-184, 85-185, 85-190, 85-192, and 85-194, Reissue Revised Statutes of Nebraska, 1943, and section 77-2363, Revised Statutes Supplement, 1987; to change references to sections which have been repealed; to repeal an operative date; to repeal an effective date; to eliminate obsolete provisions relating to junior colleges, vocational technical schools, vocational technical colleges, technical community colleges, municipal universities, and the municipal University of Omaha; to repeal an obsolete provision governing the issuance of certain bonds; to harmonize provisions; and to repeal the original sections, and also sections 68-628, 79-1247.14, 79-2662, 85-182, 85-183, 85-186 to 85-189, 85-191, 85-193, and 85-403.02, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Chambers	Haberman	Korshoj	McFarland
Baack	Chizek	Hall	Labedz	Miller
Barrett	Conway	Hannibal	Lamb	Moore
Bernard-Stevens	Coordsen	Hefner	Landis	Nelson
Beyer	Dierks	Johanns	Langford	Peterson
Campbell	Elmer	Johnson, L.	Lynch	Pirsch
	Goodrich	Johnson, R.	Marsh	Remmers

Schellpeper	Scofield	Warner	Weihing	Withem
Schmit	Smith	Wehrbein	Wesely	

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Higgins	Johnson, V.	Morehead	Rogers
Hartnett				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 170

Mr. Haberman withdrew his pending amendment, AM0628, found in the Journal on page 325 to LB 170.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 170. With Emergency.

A BILL FOR AN ACT relating to animals; to amend section 28-101, Revised Statutes Supplement, 1987; to prohibit certain acts relating to pitting an animal against another as prescribed; to define terms; to provide for duties of certain peace officers; to provide penalties; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Chambers	Haberman	Korshoj	McFarland
Baack	Chizek	Hall	Labedz	Miller
Barrett	Conway	Hannibal	Lamb	Moore
Bernard-Stevens	Coordsen	Hefner	Landis	Nelson
Beyer	Dierks	Johanns	Langford	Peterson
Campbell	Elmer	Johnson, L.	Lynch	Pirsch
	Goodrich	Johnson, R.	Marsh	Remmers

Schellpeper Smith Wehrbein Wesely Withem
Scofield Warner Weihing

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 6:

Ashford Higgins Johnson, V. Morehead Rogers
Hartnett

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.

MOTION - Return LB 370 to Select File

Mr. Conway moved to return LB 370 to Select File for the following specific amendment:
AM1905

(Amendments to Final Reading copy)

1. Strike original section 15.
2. On page 1, line 3; and page 18, line 5, strike "77-2326.04" and insert "77-2326.03".
3. Renumber remaining sections accordingly.

The Conway motion to return prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 370. The Conway specific amendment, AM1905, found in this day's Journal was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 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 630.

A BILL FOR AN ACT relating to dogs; to amend sections 54-608 to 54-611 and 54-613, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to dogs running at large and other offenses; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Conway	Johanns	McFarland	Schmit
Baack	Coordsen	Johnson, L.	Miller	Scofield
Barrett	Dierks	Korshoj	Moore	Smith
Bernard-Stevens	Elmer	Labedz	Nelson	Warner
	Goodrich	Lamb	Peterson	Wehrbein
Beyer	Haberman	Landis	Pirsch	Weihing
Campbell	Hall	Langford	Remmers	Wesely
Chambers	Hannibal	Lynch	Schellpeper	Withem
Chizek	Hefner	Marsh		

Voting in the negative, 0.

Excused and not voting, 7:

Ashford	Higgins	Johnson, V.	Morehead	Rogers
Hartnett	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 670.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2262.01, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain persons from acting as undercover agents or employees of a law enforcement agency as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Conway	Johanns	McFarland	Schmit
Baack	Coordsen	Johnson, L.	Miller	Scofield
Barrett	Dierks	Korshoj	Moore	Smith
Bernard-Stevens	Elmer	Labedz	Nelson	Warner
Beyer	Goodrich	Lamb	Peterson	Wehrbein
Campbell	Haberman	Landis	Pirsch	Weihing
Chambers	Hall	Lynch	Remmers	Wesely
Chizek	Hannibal	Marsh	Schellpeper	Withem
	Hefner			

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 7:

Ashford	Higgins	Johnson, V.	Morehead	Rogers
Hartnett	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 674.

A BILL FOR AN ACT relating to surrogate parenthood contracts; to declare such contracts void; to provide rights and obligations for biological fathers as prescribed; and to define a term.

Whereupon the 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	Bernard-Stevens	Beyer	Chambers
Baack			Campbell	Chizek

Conway	Hannibal	Landis	Peterson	Smith
Coordsen	Hefner	Langford	Pirsch	Warner
Dierks	Johanns	Lynch	Remmers	Wehrbein
Elmer	Johnson, L.	McFarland	Schellpeper	Weihing
Goodrich	Korshoj	Miller	Schmit	Wesely
Haberman	Labedz	Moore	Scofield	Withem
Hall	Lamb	Nelson		

Voting in the negative, 1:

Marsh

Excused and not voting, 7:

Ashford	Higgins	Johnson, V.	Morehead	Rogers
Hartnett	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 676.

A BILL FOR AN ACT relating to grand juries; to amend section 29-1401, Reissue Revised Statutes of Nebraska, 1943; to require notification of the county coroner of certain deaths; to provide a penalty; to provide powers and duties for the county coroner; to require the calling of a grand jury as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Conway	Johanns	McFarland	Schmit
Baack	Coordsen	Johnson, L.	Miller	Scofield
Barrett	Dierks	Korshoj	Moore	Smith
Bernard-Stevens	Elmer	Labedz	Nelson	Warner
Beyer	Goodrich	Lamb	Peterson	Wehrbein
Campbell	Haberman	Landis	Pirsch	Weihing
Chambers	Hall	Langford	Remmers	Wesely
Chizek	Hannibal	Lynch	Schellpeper	Withem
	Hefner	Marsh		

Voting in the negative, 0.

Excused and not voting, 7:

Ashford	Higgins	Johnson, V.	Morehead	Rogers
Hartnett	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Campbell asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 828. Title read. Considered.

Standing Committee amendments, AM1768, found in the Journal on page 640 for the Eighteenth Day were considered.

Messrs. McFarland and Peterson asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendments were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 676, 674, 670, 630, 170e, 802, 273A, and 273.

GENERAL FILE

LEGISLATIVE BILL 828. Mr. Bernard-Stevens offered the following amendment:
AM1921

1. Insert the following new section:

"Section 1. That section 23-135, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-135. (1) All claims against a county ~~must~~ shall be filed with the county clerk within ninety days from ~~and after a~~ the time when any materials or labor, which form the basis of the claims, ~~shall~~ have been furnished or performed, except (a) ~~; PROVIDED,~~ the fees of jurors serving in the district courts shall be paid as provided for in section 23-131 and (b) as provided in subsection (2) of this section.

(2) A county board may by resolution approve the payment for a particular piece of personal property prior to the receipt of such property by the county. A county board may by resolution approve the payment for a particular piece of real or personal property at the auction at which such property is sold if the resolution states the maximum amount which the county may bid for the particular piece of real or personal property.

(3) When the claim of any person against the county is disallowed in whole or in part by the county board, such person may appeal from the decision of the board to the district court of ~~the same~~ such county~~,~~ by causing a written notice to be served on the county clerk~~,~~ within twenty days after making such decision and executing a bond to such county, with sufficient security, to be approved by the county clerk, conditioned for the faithful prosecution of such appeal~~,~~ and the payment of all costs that shall be adjudged against the appellant. Upon the disallowance of any claim, it shall be the duty of the county clerk to notify the claimant, his or her agent, or his or her attorney in writing of the fact within five days after such disallowance. Notice mailed within ~~said~~ such time shall be deemed sufficient. In ~~; PROVIDED, in~~ a county ~~having~~ with a county comptroller, all claims ~~must~~ shall be filed with ~~said~~ the comptroller and not with the county clerk, and when an appeal is taken, it shall be the duty of the county clerk to notify the county comptroller of such appeal immediately in writing.".

2. On page 3, line 13, strike "1" and insert "2".

3. On page 5, line 16, after "sections" insert "23-135,".

4. Renumber remaining sections accordingly.

SPEAKER BARRETT PRESIDING

The Bernard-Stevens amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1114. Placed on General File.

LEGISLATIVE BILL 749. Indefinitely postponed.
LEGISLATIVE BILL 886. Indefinitely postponed.
LEGISLATIVE BILL 938. Indefinitely postponed.
LEGISLATIVE BILL 1075. Indefinitely postponed.

(Signed) R. W. Remmers, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 657 in the Journal. No objections. So ordered.

1. On page 2, line 12 after "subsequent" insert "relating to any property".
2. On page 2, line 20, following "years.", insert the following: "The provisions of this subsection shall not apply to personal property which has been conveyed to a library or museum for the purpose of public display."
3. On page 2, after line 20, insert the following new subsection: "(3) Any cause of action arising from any possibility of reverter or right of reentry for breach of condition subsequent which existed prior to the effective date of this act shall be commenced within a period of one year following the effective date of this act."
4. Amend title to conform.

Mr. Lynch asked unanimous consent to print the following amendment to LB 428 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1913.)

Mr. Chambers asked unanimous consent to print the following amendment to LB 122 in the Journal. No objections. So ordered.

Add new section:

Amend section 29-1602: "All informations shall be filed in the court having jurisdiction of the offense specified therein, by the prosecuting attorney of the proper county as informant. He shall subscribe his name thereto and endorse thereon the names of the witnesses known to him at the time of filing the same; and at such time thereafter, as the court or a judge thereof in vacation, in its or his discretion, may prescribe, he shall endorse thereon the names of such other witnesses as shall then be known to him. In all cases where the offense charged is a Class I felony, the prosecuting attorney shall attach a Declaration of Circumstances to the information or indictment, setting forth those aggravating circumstances as defined by section 39-2503 that the prosecuting attorney believes to exist in the case and those mitigating circumstances as defined by section 29-2523 that the prosecuting attorney believes do not exist in the case.

Add new section:

"In any proceeding where the prosecution is seeking to enhance the penalties based upon a prior conviction or convictions, the prosecution shall specify in the complaint, information or indictment the particular prior conviction or convictions upon which the prosecution will rely."

UNANIMOUS CONSENT - Add Co-Introducers

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 913. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as co-introducer to LB 1152. No objections. So ordered.

VISITORS

Visitors to the Chamber were Nancy and Trevor Towey from Cedar Rapids.

ADJOURNMENT

At 11:45 a.m., on a motion by Mr. Chizek, the Legislature adjourned until 9:00 a.m., Monday, February 8, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 8, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 8, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Dwaine Doremus, Hebron Faith Lutheran Church, Hebron, Nebraska.

PRESENTATION OF COLORS

Presentation of Colors by Boy Scout Troop 411, sponsored by the Army National Guard.

PRESIDENT NICHOL PRESIDING

ROLL CALL

The roll was called and all members were present except Messrs. Chizek and Withem who were excused; and Messrs. Ashford, Baack, Conway, Haberman, R. Johnson, Lynch, Warner, Mesdames Johanns, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 557. Placed on Select File as amended.
E & R amendments to LB 557:
AM5308

1. In the Hall-Wesely amendment, AM1827, adopted February 4, 1988:

a. On page 5, line 5, strike "dietetics" and insert "dietetic"; in line 19 eliminate the paragraphing; and in line 21 after the third comma insert "training" and strike "shall" and insert "will";

b. On page 6, line 16, after "the" insert "same" and after "manner" insert "as";

c. On page 8, line 19, after the last comma insert "training";

d. On page 9, strike beginning with "71-161.08" in line 16 through "to" in line 17; and in line 19 strike "Chapter 71, article 1" and insert "the Uniform Licensing Law";

e. On page 11, line 7, strike "be", show as stricken, and insert "is";

f. On page 15, line 15, strike the fourth comma and remove the underscoring from the last comma;

g. On page 20, line 13, strike the first "in" and insert "on";

h. Insert the following new section:

"Sec. 18. That section 71-114, Revised Statutes Supplement, 1987, be amended to read as follows:

71-114. (1) Except as provided in subsections (4) and (6) of this section, every professional member of a board of examiners shall be and have been actively engaged in the practice of his or her profession in the State of Nebraska, under a license or certificate issued in this state, for a period of five years just preceding his or her appointment, except for the members of boards of examiners for professions coming within the scope of the Uniform Licensing Law for the first time and for a period of five years thereafter. Members appointed during such period shall be required to meet the minimum qualifications for licensure in the profession in this state and shall, insofar as possible, meet the requirements as to years of practice in this state otherwise provided by this section.

(2) A lay member of a board of examiners shall be of the age of legal majority and shall have been a

resident of the State of Nebraska for at least five years immediately prior to appointment to the board. Such a lay member shall never serve in a capacity to judge professional competence and shall be a representative of consumer viewpoints.

(3) Each member of the Board of Examiners in Audiology and Speech-Language Pathology shall have been a resident of the State of Nebraska for at least one year immediately prior to appointment and shall also have been engaged in rendering services to the public in audiology or speech-language pathology for at least three years immediately prior to appointment.

(4) The requirement of five years of experience shall apply to members of the Board of Examiners of Psychologists, except that up to two of the five years may have been served in teaching or research.

(5) All professional members of boards of examiners appointed to an initial board shall be licensed within six months after being appointed to the board or within six months after the date by which members of the profession ~~must~~ are required to be licensed, whichever is later. If for any reason a professional member is not licensed within such time period, a new professional member shall be appointed.

(6) Each professional member of a board of examiners first appointed to the Boards of Examiners in Social Work, Athletic Training, Professional Counseling, ~~and~~ Respiratory Care Practice, and Dietetics and Nutrition respectively, shall be a person who is and has been actively engaged in the practice of social work, athletic training, professional counseling, ~~or~~ respiratory care, or dietetic and nutrition services respectively, for at least two years immediately preceding his or her appointment to the board and shall be licensed, certified, or registered, as appropriate, within six months after being appointed or within six months after members of the profession ~~must~~ are required to be licensed, certified, or registered, whichever is later. If for any reason a professional member cannot be licensed, certified, or registered, as appropriate, within such time period, a new professional member shall be appointed.";

i. On page 22, line 18, after the second "by" insert "rule and";

j. On page 29, line 10, after the second "a" insert "certified"; and in line 12 strike "certification as a" and insert "a certificate as a certified";

k. On page 30, line 9, strike "and" and show as stricken and after "(f)" insert ", and (g)"; and in line 23 after the last comma insert "71-114,"; and

l. Renumber the remaining sections accordingly.

2. On page 1, strike beginning with "71-101" in line 2 through the first semicolon in line 6 and insert "71-102, 71-107, 71-112, and 71-131, Reissue Revised Statutes of Nebraska, 1943, section 33-150, Revised Statutes Supplement, 1986, and sections 71-101, 71-110, 71-113, 71-114, and 71-162, Revised Statutes Supplement, 1987;"; and in line 11 after the semicolon insert "to provide a penalty;".

LEGISLATIVE BILL 557A. Placed on Select File as amended.
E & R amendments to LB 557A:
AM5309

1. In the Hall amendment, AM1624, adopted February 4, 1988, on page 1, line 19, after the second "Fund" insert "for the appropriation".

2. On page 1, line 3, strike "First Session, 1987" and insert "Second Session, 1988".

LEGISLATIVE BILL 383. Placed on Select File as amended.
E & R amendments to LB 383:
AM5310

1. On page 1, line 2, strike "71-5306,"; in line 7 after "water" insert "supply"; in line 9 strike "testing" and insert "monitoring"; and strike line 10 and insert "provide for and change disciplinary provisions relating to permits and certificates of competency; to provide for notice of and service of process for certain proceedings;".

2. On page 3, line 21; and page 4, line 17, strike the comma and show as stricken.

3. On page 4, line 12, strike the third comma and show as stricken.

4. On page 5, line 7, strike "which" and show as stricken; in line 16 strike the third comma; in lines 17 and 24 after "water" insert "supply"; and in line 21 strike the first comma and insert "or".

5. On page 7, line 8, reinstate the stricken comma.

6. On page 11, line 2, strike "complained of"; in line 18 strike the comma; in line 20 after "hearing" insert an underscored comma; strike beginning with "provisions" in line 24 through "9" in line 25 and insert "Administrative Procedure Act".

7. On page 12, line 8, after "adopted" insert "and promulgated"; in line 12 strike "exception" and insert "exemption"; and in line 18 strike the comma.

8. On page 15, line 23, strike "level", show as stricken, and insert "levels".

9. On page 16, line 16, after "revoked" insert an underscored comma; and in line 24 after "adopted" insert "and promulgated".

10. On page 17, lines 1 and 4, strike "license" and insert "certificate of competency"; strike beginning with "shall" in line 4 through "9" in line 5 and insert "may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act".

11. On page 18, line 7, strike "department" and insert "Department of Health".

12. On page 19, line 3, after "Health" insert an underscored comma; in line 5 strike the comma; in line 8 after "department" insert an underscored comma; in line 13 after "certificate" insert "or affidavit,"; and in line 14 strike "or affidavit".

LEGISLATIVE BILL 383A. Placed on Select File as amended.
E & R amendments to LB 383A:
AM5311

1. On page 1, line 3; and page 2, line 8, strike "First Session, 1987" and insert "Second Session, 1988".

2. On page 2, lines 3 and 12, strike "1987" and insert "1988"; in lines 3, 5, 12, and 13, strike "1988" and insert "1989"; and in lines 5 and 13 strike "1989" and insert "1990".

LEGISLATIVE BILL 520. Placed on Select File as amended.
E & R amendments to LB 520:
AM5312

1. Because of the reissuance of volumes 5 and 5A, Revised Statutes of Nebraska:

a. On page 1, line 2; and page 7, line 19, strike "and" and after the last comma insert "and 79-12,105,";

b. On page 1, strike beginning with the last comma in line 3 through "1986" in line 5; and

c. On page 7, line 1, after the last comma insert "Reissue"; in line 2 strike "Supplement, 1986" and insert "of Nebraska, 1943"; and strike beginning with "and" in line 20 through the second comma in line 21.

2. On page 1, strike beginning with "to" in line 9 through the first semicolon in line 10 and insert "and"; and strike beginning with the second semicolon in line 10 through "emergency" in line 11.

3. On page 6, line 14, after the semicolon insert "or"; and in line 19 strike "; or".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 1177. Placed on General File as amended.
Standing Committee amendment to LB 1177:
AM1916

1. On page 13, line 13, strike "or dispensed" and insert "for consumption on the premises".

LEGISLATIVE BILL 852. Indefinitely postponed.

(Signed) Patricia S. Morehead, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 5, 1988, at 11:50 a.m., were the following bills: 273, 273A, 802, 170, 630, 670, 674, and 676.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Schmit asked unanimous consent to have his name added as co-introducer to LB 1097. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 117.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-807 to 28-809, 28-811, and 28-813, Reissue Revised Statutes of Nebraska, 1943; to define a term; to transfer penalty provisions; to prohibit possession of certain materials as prescribed; to provide immunity from liability for certain individuals; to provide penalties; and to repeal the original sections, and also section 28-812, 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:

Abboud	Elmer	Korshoj	Miller	Schellpeper
Barrett	Goodrich	Labedz	Moore	Schmit
Bernard-Stevens	Hannibal	Lamb	Morehead	Scofield
	Hartnett	Landis	Nelson	Smith
Beyer	Higgins	Langford	Peterson	Wehrbein
Campbell	Johnson, L.	Marsh	Remmers	Weihing
Coordsen	Johnson, V.	McFarland	Rogers	Wesely
Dierks				

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Hall

Excused and not voting, 12:

Ashford	Conway	Johanns	Lynch	Warner
Baack	Haberman	Johnson, R.	Pirsch	Withem
Chizek	Hefner			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 191. With Emergency.

A BILL FOR AN ACT relating to civil procedure; to define a term; to provide for a rebuttable presumption about certain statements from injured persons 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, 8:

Chambers	Hall	Labedz	Moore	Weihing
Coordsen	Johnson, V.	Marsh		

Voting in the negative, 23:

Abboud	Elmer	Johnson, L.	Morehead	Scofield
Bernard-Stevens	Goodrich	Korshoj	Nelson	Smith
	Hannibal	Lamb	Remmers	Wehrbein
Conway	Hartnett	Landis	Schellpeper	Wesely
Dierks	Higgins	Langford	Schmit	

Present and not voting, 7:

Barrett	Campbell	Miller	Peterson	Rogers
Beyer	McFarland			

Excused and not voting, 11:

Ashford	Haberman	Johanns	Lynch	Warner
Baack	Hefner	Johnson, R.	Pirsch	Withem
Chizek				

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, 37:

Abboud	Coordsen	Johnson, L.	McFarland	Schellpeper
Barrett	Dierks	Johnson, V.	Miller	Schmit
Bernard-Stevens	Elmer	Korshoj	Moore	Scofield
Beyer	Goodrich	Labedz	Morehead	Smith
Campbell	Hall	Lamb	Nelson	Wehrbein
Chambers	Hannibal	Landis	Remmers	Weihing
Conway	Hartnett	Langford	Rogers	Wesely
	Higgins	Marsh		

Voting in the negative, 0.

Present and not voting, 1:

Peterson

Excused and not voting, 11:

Ashford	Haberman	Johanns	Lynch	Warner
Baack	Hefner	Johnson, R.	Pirsch	Withem
Chizek				

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 790.

A BILL FOR AN ACT relating to children; to amend sections 27-504, 29-1805.10, 29-2204, 33-126.02, 38-101, 38-1001 to 38-1010, 38-1101 to 38-1105, 43-105, 43-501, 43-504, 43-507, 43-522, 43-903, 43-904, 43-1202, 76-1494, 83-108.04, 83-170, 83-176, 83-383, and 83-388, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2260, 43-104, and 43-250, Revised Statutes Supplement, 1986; to correct references to statutes which were repealed when the Nebraska Juvenile Code was enacted; to transfer provisions relating to the age of minority and gifts and bequests to minors; to change references to crippled children to conform with Laws 1985, LB 249; to delete provisions erroneously inserted in the drafting of Laws 1985, LB 447, section 14; to eliminate a statute regarding guardians that is no longer needed; to eliminate penalties for cruelty to and neglect of children which are covered by other statutes; to harmonize provisions; and to repeal the original sections, and also sections 38-114 to 38-117 and 38-509, 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:

Abboud	Coordsen	Johnson, R.	Miller	Schellpeper
Barrett	Dierks	Korshoj	Moore	Schmit
Bernard-Stevens	Elmer	Labedz	Morehead	Scofield
Beyer	Goodrich	Lamb	Nelson	Smith
Campbell	Hall	Langford	Peterson	Wehrbein
Chambers	Hannibal	Marsh	Remmers	Weihing
Conway	Hartnett	McFarland	Rogers	Wesely
	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 3:

Higgins	Johnson, V.	Landis

Excused and not voting, 10:

Ashford	Chizek	Hefner	Lynch	Warner
Baack	Haberman	Johanns	Pirsch	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BARRETT PRESIDING

GENERAL FILE

LEGISLATIVE BILL 871. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 872. 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 874. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 980. 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 845. 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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 191.

(Signed) Scott Moore, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 275. 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 program planned by the extension agents in each county in cooperation with the county extension board serves groups and individuals; and

WHEREAS, extension specialists plan and conduct programs to provide district and statewide coordination; and

WHEREAS, volunteers play an important part in the extension program and serve as leaders of 4-H clubs, teach lessons at home extension club meetings, and help in many other ways; and

WHEREAS, the week beginning February 8 has been designated as Nebraska Cooperative Extension Week.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and honors all extension 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 gardeners, and other volunteers who contribute to the success of the educational programs of the Cooperative Extension Service.

Laid over.

LEGISLATIVE RESOLUTION 276. Introduced by Morehead, 30th District.

WHEREAS, the statistics and emotional trauma involved in teen pregnancies are alarming and are the undesirable consequences of complex societal problems; and

WHEREAS, teens are rarely prepared for the consequences of early parenting; and

WHEREAS, potential consequences include low educational achievement, unemployment, single parenting, poverty and welfare dependency, pregnancy-related health complications, infant mortality, and abuse; and

WHEREAS, there is a lack of public awareness that unwanted and unintentional adolescent pregnancies are not simply a personal predicament of troubled teens and their families, but a costly and long-lived statewide problem; and

WHEREAS, various organizations and communities across Nebraska recognize the week of February 8-14 as Teen Pregnancy Awareness Week.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the week of February 8-14 be declared Teen Pregnancy Awareness Week.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 930. 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 857. 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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 191, 790, and 117.

GENERAL FILE

LEGISLATIVE BILL 975. Title read. Considered.

PRESIDENT NICHOL PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 858. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 957. 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 893. 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 838. Title read. Considered.

Mr. Schellpeper 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, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 853. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 4 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 854. 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 854A. 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 962. 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 993. Title read. Considered.

SPEAKER BARRETT PRESIDING

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 994. 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 995. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 present and not voting.

LEGISLATIVE BILL 996. 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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 8, 1988, at 10:40 a.m., were the following bills: 117, 191, and 790.

(Signed) Pam Moravec, Enrolling Clerk

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1165. Placed on General File as amended.
Standing Committee amendment to LB 1165:
AM1922

1. On page 3, line 1, after the first "the" insert "total" and strike "valuation" and insert "valuation of the railroad property and the valuation of the type of railroad property that is not subject to the court injunction"; strike beginning with "and" in line 2 through "injunction" in line 3; in line 19 after "determination" insert "or disposition"; and in line 22 after "value" insert "or the value of the type of railroad property that is not subject to the court injunction".

LEGISLATIVE BILL 1184. Placed on General File as amended.
Standing Committee amendments to LB 1184:
AM1881

1. On page 2, line 12, strike "Contractor", show as stricken, and insert "(a) For contracts entered into prior to October 1, 1988, contractor"; and in lines 20 and 21 strike the new matter.

2. On page 3, after line 3, insert the following new subdivisions:

"(b) For contracts entered into on or after October 1, 1988, a contractor or repairperson shall mean any person who under the Nebraska Construction Lien Act is considered a prime contractor. Such person shall be considered the consumer of tangible personal property furnished by that person and incorporated into an improvement upon real estate or the real estate.

Contractor or repairperson shall not include any person who, except when incidental to the transfer of an improvement upon real estate or the real estate, installs a fixture, furnishes services, materials, or both, or incorporates live plants into real estate; and

(c) Any person who ceases to be a contractor or repairperson and becomes a retailer because of the changes made in this legislative bill shall take the

deduction from gross receipts when materials upon which the tax has been paid are used in completion of a contract entered into after October 1, 1988. Refunds shall not be made of any tax properly paid on materials purchased by any such person before October 1, 1988;"; and strike beginning with "an" in line 4 through "land" in line 6 and insert "tangible personal property which is attached to real estate, or an improvement to real estate, for its useful life and which is used as part of the real estate".

3. On page 46, line 24, strike "July 1, 1988" and insert "October 1, 1988".

4. Strike original section 6.

LEGISLATIVE BILL 1191. Placed on General File as amended.
Standing Committee amendments to LB 1191:
AM1924

1. On page 5, strike beginning with "and" in line 10 through "service" in line 13.

2. On page 6, line 13, after "videotapes" insert an underscored comma and strike "and" and show as stricken; in line 14 after the first comma insert "satellite programming, satellite programming service, and satellite television signal descrambling or decoding devices"; and in line 17 after "rentals" insert ", satellite programming, and satellite programming services" and after the first "the" insert "sales tax or the".

3. 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 1161. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

Health and Human Services

LEGISLATIVE BILL 948. Placed on General File.

LEGISLATIVE BILL 259. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1910.)

LEGISLATIVE BILL 552. Indefinitely postponed.
LEGISLATIVE BILL 668. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 103A. Introduced by Dierks, 40th District; Rogers, 41st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 103, Ninetieth Legislature, Second Session, 1988; to change appropriations as prescribed; and to provide an operative date.

RESOLUTION

LEGISLATIVE RESOLUTION 277. Introduced by Baack, 47th District; V. Johnson, 8th District; Weihing, 48th District; Schmit, 23rd District; Moore, 24th District; R. Johnson, 34th District; Conway, 17th District.

WHEREAS, the citizens of Nebraska are sharply divided on the question of whether Article XII, section 8 of the Nebraska Constitution, commonly known as "Initiative 300", is good or bad economic policy for the state; and

WHEREAS, a multitude of legislative proposals, advocated over the years by both proponents and opponents of Initiative 300, have sought either to repeal Initiative 300 or to amend it in its substantive or technical aspects; and

WHEREAS, discussion of those proposals has consumed substantial amounts of legislative time, during which neither side has been able to garner enough votes to enact its proposals; and

WHEREAS, the 1988 legislative session is a short session, and there does not appear to be any real possibility for legislative resolution of any issue relating to Initiative 300; and

WHEREAS, substantial questions have been raised by various parties and the Attorney General as to the constitutionality and the interpretation of Initiative 300; and

WHEREAS, such questions can be resolved only by the courts; and

WHEREAS, it is in the best interest of the citizens of Nebraska that questions of the constitutionality and interpretation of Initiative 300 be submitted to and answered by the courts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature supports the withdrawal this session of all legislative proposals dealing with Initiative 300 and encourages all parties to litigation testing its constitutionality or interpretation to act expeditiously so that the Legislature which convenes in 1989, and all Nebraskans, may have additional information and answers to assist in any future deliberations or decisions with regard to Initiative 300.

Laid over.

ANNOUNCEMENT

Mr. Weihing designates LB 963 as his priority bill.

MOTION - Withdraw LB 547

Messrs. Conway and Baack moved to withdraw LB 547.

Laid over.

MOTION - Withdraw LB 1228

Mr. Baack moved to withdraw LB 1228.

Laid over.

MOTION - Withdraw LR 271CA

Messrs. Baack and Weihing moved to withdraw LR 271CA.

Laid over.

MOTION - Withdraw LR 270CA

Messrs. Baack and Weihing moved to withdraw LR 270CA.

Laid over.

MOTION - Withdraw LR 10CA

Messrs. Baack and Conway moved to withdraw LR 10CA.

Laid over.

MOTION - Suspend Rules

Mr. Baack moved to suspend the rules, Rule 3, Section 13; Rule 5, Section 11; and Rule 7, Section 3(c) and withdraw LBs 547 and 1228 and LRs 10CA, 270CA, and 271CA.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 88. Title read. Considered.

Mr. Landis and Mrs. Morehead renewed their pending amendment found in the Journal on page 536.

The Landis-Morehead amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. McFarland moved to indefinitely postpone LB 88.

PRESIDENT NICHOL PRESIDING

Mrs. Johanns, Messrs. Hannibal, and Lynch asked unanimous consent to be excused. No objections. So ordered.

Pending.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LBs 117, 191, and 790.

(Signed) Elroy M. Hefner

VISITORS

Visitors to the Chamber were 8 students and teacher from Chadron State College; 8 Boy Scouts and leaders from Omaha; Meta Thorsen

from Denmark; and 11 members of the 4-H Awareness Team from across the state.

MOTION - Adjournment

Mr. McFarland moved to adjourn. The motion prevailed, and at 12:04 p.m., on a motion by Mr. McFarland, the Legislature adjourned until 9:00 a.m., Tuesday, February 9, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 9, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 9, 1988

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Sydney Raymond, Florence Presbyterian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Barrett, Bernard-Stevens, Chambers, Chizek, Haberman, Hall, Hannibal, Hartnett, V. Johnson, Schmit, Wesely, Mesdames Higgins, Labedz, Nelson, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 689, strike line 33 and insert "The Transportation Committee designates LB 1127 as its priority bill."
The Journal for the Twenty-First Day was approved as corrected.
The Journal for the Twenty-Second Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 180 and 370.

Correctly Engrossed

The following resolution and bills were correctly engrossed: LR 15CA, LBs 490, 646, 693, 693A, 758, and 814.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 180
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0239

1. On page 2, the matter beginning with "to" in line 1 through the semicolon in line 2 has been struck.
2. Section 11 has been renumbered as section 10.

Enrollment and Review Change to LB 693

The following changes, required to be reported for publication in the Journal, have been made:
ER0238

1. In the Lynch amendment, AM1892, adopted February 4, 1988, on page 1, line 7, an underscored comma has been inserted after "licensure"; in line 14 the comma has been struck; in line 16 "of a domiciliary or residential care facility" has been inserted after "administrator"; and in line 17 "health" has been struck and "domiciliary or residential" inserted.
2. In the E & R amendment, AM5245, adopted February 1, 1988, on page 2, line 2, "and" has been struck and "and 76-1304," has been inserted after the second comma; and in line 9 "to correct a statutory reference;" has been inserted after the first semicolon.
3. In the Wesely amendment, AM1586, adopted January 11, 1988:

a. On page 8, line 5, "or nursing home" has been inserted after "infirm";

b. On page 9, line 6 "for" has been inserted after "provided";

c. On page 13, line 5, "and promulgate" has been inserted after "adopt"; and in line 21 "they" has been struck;

d. On page 15, line 4, "completing" has been struck and "who will complete" inserted; and in line 12 the comma has been struck;

e. On page 18, line 8, the comma has been struck and shown as stricken;

f. On page 24, line 9, "After February 19, 1972, each" has been struck, shown as stricken, and "Each" inserted;

g. On page 30, lines 7 to 8, "On and after February 19, 1972, it", has been struck, shown as stricken, and "It" inserted; and

h. On page 31, line 6, ", section" has been struck and shown as stricken.

4. On page 1, line 1, "home administrators" has been struck and "homes" inserted.

Enrollment and Review Change to LR 15CA

The following changes, required to be reported for publication in the Journal, have been made:
ER0237

1. In the V. Johnson amendment adopted February 4, 1988, found on page 672 of the Journal, the first "outside" has been struck and "outside of" inserted and "of" has been inserted after the second "outside".

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGE FROM THE GOVERNOR

February 8, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 372, 372A, 429, 488, 537, 594, 625 and 705 were received in my office on February 2, 1988.

These bills were signed by me on February 8, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 275. Read. Considered.

LR 275 was adopted with 22 ayes, 0 nays, and 27 not voting.

LEGISLATIVE RESOLUTION 274. Read. Considered.

LR 274 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 276. Read. Considered.

LR 276 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 277. Read. Considered.

Mr. Conway moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

LR 277 was adopted with 29 ayes, 1 nay, and 19 not voting.

MOTION - Suspend Rules

Mr. Baack renewed his pending motion found in the Journal on page 735 to suspend the rules, Rule 3, Section 13; Rule 5, Section 11; and Rule 7, Section 3(c) and withdraw LBs 547 and 1228 and LRs 10CA, 270CA, and 271CA.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Baack motion to suspend the rules and withdraw LBs 547 and 1228 and LRs 10CA, 270CA, and 271CA prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 751. Placed on General File.
LEGISLATIVE BILL 1078. Placed on General File.

LEGISLATIVE BILL 817. Placed on General File as amended.
Standing Committee amendments to LB 817:
AM1850

1. On page 2, line 25, strike "and" and show as stricken.

2. On page 3, line 3, after "transfers" insert "; and

(7) Solicit and accept comment from the general public on such issues until August 30, 1988"; and in line 6 strike "April 1, 1989" and insert "November 30, 1988".

LEGISLATIVE BILL 964. Placed on General File as amended.
Standing Committee amendments to LB 964:
AM1717

1. On page 12, strike beginning with "When" in line 19 through the third comma in line 25 and insert "The council shall require, when requested by the Conservation and Survey Division of the University of Nebraska, as a condition of a mineral exploration hole permit, that the permittee, upon submission of its annual report, deliver to the division, free of charge, the basic exploration data collected by the permittee. The data may include (i) sample cuts, core chips, or complete cores, (ii) sample logs, radioactivity logs, resistivity logs, or other types of electrical or mechanical logs, and (iii) elevation and location information on the data collection points. Any or all of the data submitted shall be held confidential if so determined by the director on request of the permittee.".

2. On page 13, strike beginning with "radioactivity" in line 1 through the period in line 8.

LEGISLATIVE BILL 1002. Placed on General File as amended.
Standing Committee amendments to LB 1002:
AM1926

1. On page 2, line 24; page 3, line 19; and page 6, lines 10 to 11 and 17, strike "operate or".

2. On page 2, line 25; page 3, lines 14 and 20; page 4, lines 1 and 14; page 5, lines 1, 7, and 14; page 6, lines 11 to 12 and 18; page 8, lines 3 and 6; page 9, lines 20 to 21; and page 10, line 7, strike "or vessel" and insert "while under propulsion".

3. On page 3, line 13; page 4, line 13; and page 5, line 13, strike "operates or".

4. On page 3, line 25, strike "operate".

5. On page 4, line 1, strike the first "or".
6. On page 4, line 25; and page 5, line 6; strike "was operating or".
7. On page 8, lines 2 and 5; and page 9, line 19, strike "operating or".
8. On page 10, line 6, strike "operation or".

LEGISLATIVE BILL 831. Indefinitely postponed.
LEGISLATIVE BILL 1022. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 551 in the Journal. No objections. So ordered.

AM1838

(Amendments to Final Reading copy)

1. On page 1, line 3, after the semicolon insert "to define and redefine terms;"; in line 5 strike "and"; and in line 6 after "section" insert "; and to declare an emergency".
2. On page 2, line 7, strike "such member's" and insert "his or her"; and in lines 8 and 21 strike "member" and insert "school employee".
3. On page 5, line 6, after "mean" insert "a contributing member who acquires five hundred sixteen hours or more of service in a fiscal year and thereby earns one-half year of service credit. A contributing member who acquires one thousand thirty-two hours or more of service in a fiscal year shall earn one year of service credit. As used in this subdivision, contributing member shall mean".
4. Insert the following new section:

"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.".

STANDING COMMITTEE REPORT
Natural Resources

The Natural Resources 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.

Elvin A. Adamson - Game and Parks Commission
Thomas C. Baker - Oil and Gas Commission
Robert L. Petersen - Environmental Control Council
Fred E. Hlava - Environmental Control Council

VOTE: Aye: Senators Schmit, Elmer, Hall, Labedz, Lamb, and Weihing. Absent: Senators R. Johnson and Johanns.

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 88. The pending McFarland motion to indefinitely postpone was renewed.

MR. LAMB PRESIDING

PRESIDENT NICHOL PRESIDING

Mr. Lynch 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 prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. McFarland moved for a call of the house. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

The McFarland motion to indefinitely postpone lost with 21 ayes, 22 nays, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to bracket LB 88 until February 11, 1988.

Mrs. Morehead 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. Landis moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Landis requested a roll call vote on the Chambers motion to bracket.

Voting in the affirmative, 23:

Abboud	Bernard-Stevens	Elmer	Johnson, R.	Scofield
Ashford	Beyer	Haberman	Landis	Smith
Baack	Chambers	Hannibal	Marsh	Warner
Barrett	Coordsen	Higgins	Morehead	Wehrbein
		Johanns	Nelson	Wesely

Voting in the negative, 20:

Chizek	Hall	Labedz	Miller	Rogers
Conway	Hefner	Lamb	Moore	Schellpeper
Dierks	Johnson, L.	Langford	Peterson	Schmit
Goodrich	Korshoj	McFarland	Remmers	Weihing

Present and not voting, 2:

Campbell Hartnett

Excused and not voting, 4:

Johnson, V. Lynch Pirsch Withem

The Chambers motion to bracket lost with 23 ayes, 20 nays, 2 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

SPECIAL COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 879. Placed on General File as amended.
Special Committee amendments to LB 879:
AM1901

1. Strike original sections 1 to 6 and 9 and insert the following new sections:

"Section 1. That section 79-1522.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

79-1522.01. In lieu of the school retirement allowance provided by section 79-1522, any member who is not an employee of a Class V school district and who becomes eligible to make application for and receive a school retirement allowance under section 79-1520 may receive a formula annuity retirement allowance.

Subject to the other provisions of this section, the monthly formula annuity in the normal form shall be determined by multiplying the number of years of service for which such member would otherwise receive the service annuity provided by section 79-1522 (1) by one and one-quarter percent of his or her final average compensation, (2) by one and one-half percent of his or her final average compensation, or (3) by one and sixty-five hundredths percent of his or her final average compensation. If the annuity begins prior to the sixty-fifth birthday of the member, the annuity at the date it begins shall be reduced by three percent for each year after the member's sixtieth birthday and prior to his or her sixty-fifth birthday. A member ~~must~~ shall have acquired the equivalent of one-half year of service or more as a public school employee under the school retirement system following August 24, 1975, to be eligible for computation of his or her formula annuity using one and one-quarter percent of his or her final average compensation as one of the factors, ~~must~~ shall have acquired the equivalent of one-half year of service or more as a public school employee under the school retirement system following July 17, 1982, to be eligible for computation of his or her formula annuity using one and one-half percent of his or her final average compensation as one of the factors, or ~~must~~ shall have acquired the equivalent of one-half year of service or more as a public school employee under the school retirement system following July 1, 1984, to be eligible for computation of his or her formula annuity using one and sixty-five hundredths percent of his or her final average compensation as one of the factors.

The normal form of the formula annuity shall be an annuity payable monthly during the remainder of the member's life with the provision that in the event of his or her death before sixty monthly payments have been made the monthly payments shall be continued to his

or her estate or to such beneficiary as he or she shall have designated until sixty monthly payments have been made. A member may elect to receive in lieu of the normal form of annuity an actuarially equivalent annuity in any optional form provided by section 79-1530.

Final average compensation for full-time employees shall be determined by dividing the member's total compensation subject to required deposits for the three fiscal years in which such compensation was the highest by thirty-six. Final average compensation for part-time employees shall be determined by dividing total adjusted compensation subject to required deposits for the three fiscal years in which such adjusted compensation was the highest by thirty-six. If a member has such compensation for less than three such fiscal years his or her final average compensation shall be determined by dividing his or her total compensation in all such years by twelve times the total number of years of his or her service therefor. Adjusted compensation for any year shall be equal to actual pay times the ratio of one to the actual credited service for such year. A member ~~must~~ shall have acquired the equivalent of one-half year of service or more as a public school employee under the school retirement system following August 24, 1975, to be eligible for computation of his or her formula annuity using only five fiscal years in the determination of his or her final average compensation.

All formula annuities shall be paid from the Annuity Reserve Fund. Upon the granting of a formula annuity, there shall be transferred to the Annuity Reserve Fund: (a) From the Service Annuity Fund, the value of the service annuity which would otherwise be payable; (b) from the School Employees' Savings Fund, the accumulated contributions of the member; and (c) from the School Employer's Deposit Fund, the value of the formula annuity in excess of the amounts transferred from the Service Annuity Fund and the School Employees' Savings Fund.

~~For the purpose of providing the funds to be transferred from the School Employer's Deposit Fund for formula annuities, every employer shall be required to make deposits in the School Employer's Deposit Fund. Such deposits shall be a uniform percentage of the~~

~~required contributions of the school employees of each employer and shall be transmitted to the retirement board at the same time and in the same manner as such required employee contributions. In the fiscal year commencing July 1, 1968, such uniform percentage shall be twenty percent of the required school employee contributions. For each fiscal year thereafter, such uniform percentage shall be determined by the retirement board upon recommendation of the actuary and shall be determined by deducting from the then present value of all future amounts to be transferred from the School Employer's Deposit Fund the amount then credited to such fund and dividing the remainder by the present value of the prospective future required contributions of all employees of the school districts covered by this section.~~

Sec. 2. That section 79-1531, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1531. (1) For the purpose of providing the funds to be transferred from the School Employees' Savings Fund for formula annuities, every employee shall be required to make deposits in the School Employees' Savings Fund. Such deposits shall be a percentage of total compensation and shall be transmitted at the same time and in the same manner as required employer contributions. For each fiscal year, such percentage shall be determined by the retirement board upon recommendation of the actuary and shall be equal to forty-nine and seventy-five hundredths percent of the amount determined by deducting from the then actuarial present value of all future liabilities to be funded by transfers from the School Employer's Deposit Fund and the School Employees' Savings Fund the amount then credited to such funds and dividing the remainder by the actuarial present value of one percent of future compensation for current active members.

(2) For the purpose of providing the funds to be transferred from the School Employer's Deposit Fund for formula annuities, every employer shall be required to make deposits in the School Employer's Deposit Fund. Such deposits shall be one hundred one percent of the required contributions of the school employees of each employer and shall be transmitted to the retirement

board at the same time and in the same manner as such required employee contributions. ~~Each member of the retirement system shall be required to make a deposit, or have a deposit made on his or her behalf, in the School Employees' Savings Fund equal to five and four-tenths percent of all compensation. All amounts deposited by or on behalf of any school employee shall be held for the benefit of the individual school employee in the School Employees' Savings Fund and shall be credited to his or her account in this fund for the purpose of providing an annuity or other benefit as provided in sections 79-1501 to 79-1557.~~

~~(2)~~ (3) The employer shall pick up the member contributions required by this section for all compensation paid on or after January 1, 1986, 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 employer 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 member until such time as they are distributed or made available. The employer shall pay these member contributions from the same source of funds which is used in paying earnings to the member. The employer shall pick up these contributions by a salary deduction either through a reduction in the cash salary of the member or a combination of a reduction in salary and offset against a future salary increase. Member contributions picked up shall be treated for all purposes of sections 79-1501 to 79-1565 in the same manner and to the same extent as member contributions made prior to the date picked up.

Sec. 3. That section 79-1533, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1533. Every employer shall deduct and withhold an amount from the compensation as a school employee of each member on each and every payroll period after such school employee becomes a member of the retirement system ~~five and four-tenths percent of such compensation of such member~~ pursuant to section 79-1531.

The employer, through its proper agents, the city or county superintendent, or the secretary of the school board or board of education, shall transmit monthly, quarterly, or semiannually if the retirement board shall so direct a copy of such payroll, in such form as shall be approved by the retirement board, and a remittance payable to the order of the State Treasurer for all deductions from the compensation of members on such payroll. The remittances may be by draft, money order, check, or otherwise according to ~~the rule~~ rules and regulations adopted and promulgated by the retirement board. All such amounts due to the retirement board shall bear interest at the rate of six percent per annum if the payment of the same is delayed more than thirty days after the time prescribed for payment. The proceeds of the interest charge shall be used to reimburse the account of each school employee, deprived of interest by the delay, with regular interest, and the balance shall be paid into the School Employees' Savings Fund. ~~of the retirement system.~~

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 17, line 16, strike "79-1540, 79-1549, 79-1558,".

3. Renumber the remaining sections accordingly.

(Signed) Rex Haberman, Chairperson

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 816. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 1226	Wednesday, February 17, 1988	1:30 p.m.
LR 253CA	Wednesday, February 17, 1988	1:30 p.m.

LB 1159	Thursday, February 18, 1988	1:30 p.m.
LB 1215	Thursday, February 18, 1988	1:30 p.m.
LB 1084	Thursday, February 18, 1988	1:30 p.m.
LB 1106	Friday, February 19, 1988	1:30 p.m.
LB 1194	Friday, February 19, 1988	1:30 p.m.
LB 1205	Wednesday, February 24, 1988	1:30 p.m.
LB 1231	Wednesday, February 24, 1988	1:30 p.m.
LB 1219	Wednesday, February 24, 1988	1:30 p.m.
LB 936	Thursday, February 25, 1988	1:30 p.m.
LB 1203	Thursday, February 25, 1988	1:30 p.m.
LB 1206	Friday, February 26, 1988	1:30 p.m.
LR 257CA	Friday, February 26, 1988	1:30 p.m.

(Signed) Dennis Baack, Chairperson

Revenue

LB 1072	Wednesday, February 17, 1988 (cancelled)	1:30 p.m.
LB 1072	Wednesday, February 24, 1988 (reset)	1:30 p.m.
LB 1122	Wednesday, February 17, 1988 (cancelled)	1:30 p.m.
LB 1122	Wednesday, February 24, 1988 (reset)	1:30 p.m.
LB 914	Wednesday, February 24, 1988 (cancelled)	1:30 p.m.
LB 914	Wednesday, February 17, 1988 (reset)	1:30 p.m.
LB 915	Wednesday, February 24, 1988 (cancelled)	1:30 p.m.
LB 915	Wednesday, February 17, 1988 (reset)	1:30 p.m.
LB 1086	Wednesday, February 24, 1988 (cancelled)	1:30 p.m.
LB 1086	Wednesday, February 17, 1988 (reset)	1:30 p.m.

(Signed) Elroy M. Hefner, Vice Chairperson

Agriculture

LB 1228	Tuesday, February 16, 1988 (cancelled)	1:30 p.m.

LR 270CA	Tuesday, February 16, 1988 (cancelled)	1:30 p.m.
LR 271CA	Tuesday, February 16, 1988 (cancelled)	1:30 p.m.

(Signed) Rod Johnson, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 475. Placed on Select File as amended.
E & R amendments to LB 475:
AM5316

1. On page 1, strike beginning with "power" in line 1 through line 4 and insert "powers of attorney and other instruments; to adopt the Nebraska Short Form Act.".

2. On page 2, line 9, after "promote" insert "the"; in line 20 after "with" insert "the expression"; and in line 23 strike "Nebraska Short Form Act" and insert "act".

3. On page 3, line 3, after "signed" insert "(a)" and strike "a person" and insert "an individual"; in lines 6 and 8 strike "person" and insert "individual"; in line 8 before "by" insert "(b)"; in lines 9, 13, 15, and 17 strike "persons" and insert "individuals"; and strike beginning with "provisions" in line 23 through "Act" in line 24 and insert "act and required by the act".

4. On page 4, strike beginning with "provisions" in line 5 through "Act" in line 7 and insert "act and required by the act"; strike beginning with "provisions" in line 13 through "Act" in line 14 and insert "act"; in line 18 strike the first "person" and insert "individual"; and in line 24 strike "person" and insert "individual".

5. On page 5, lines 4, 5 to 6, 14, and 20; page 6, lines 1, 7, 15, and 24 to 25; page 7, lines 3, 7 to 8, and 13 to 14; and page 8, line 9, strike "Nebraska Short Form Act" and insert "act".

6. On page 7, lines 3 and 15, strike "whose" and insert "the"; in line 4 after "expression" insert "of which"; and in line 16 after "operation" insert "of which".

7. On page 8, line 10, strike "whose" and insert "the"; and in line 11 after "contents" insert "of

which".

8. On page 8, line 19, strike "any person" and insert "other persons"; and in line 25 strike ", as amended,".

9. On page 9, line 17, after "to" insert "any"; in line 19 strike "Nebraska"; in line 20 strike ", as amended,"; in line 21 strike ", as"; and in line 22 strike "amended".

10. On page 10, lines 1, 15 to 16, 20, and 24; page 11, line 19; page 12, lines 2 to 3; and page 13, line 3, strike "the provisions of".

11. On page 10, line 6, strike ", as amended,"; and in line 25 strike the first "of".

12. On page 11, line 9, strike "Nebraska"; in line 10 strike ", as amended,"; in line 11 strike ", as"; and in line 12 strike "amended".

13. On page 16, line 10, before "19" insert "..,'.

14. On page 17, line 18, strike "all of"; and in line 19 strike "such" and insert "any".

15. On page 18, line 24, strike "Nebraska"; and in line 25 strike ", as amended,".

16. On page 19, line 1, strike ", as amended".

17. On page 20, line 4, after "present" insert "durable".

18. On page 21, line 16, after "restrictions" insert a comma; and in line 20 strike "Upon the" and insert "The first to occur of".

19. On page 22, lines 1 and 11, strike "Nebraska"; in lines 2 and 12 strike ", as amended,"; and in lines 3 and 13 strike ", as amended".

20. On page 23, line 1, strike both commas; and in line 3 strike "Nebraska".

21. On page 29, line 20, strike "(i)"; in line 22 strike "(ii)"; in line 23 strike the second "of"; and in line 24 strike "(iii)".

22. On page 30, line 4, strike "inserted" and insert "interested" and strike "and (iv)".

23. On page 31, line 10, strike the comma; and in line 17 strike the third comma.

24. On page 32, line 19, strike the second comma; and in line 20 after "merger" insert a comma.

25. On page 36, line 13, strike "Interest"

and insert "Interests".

26. On page 37, line 14, after "otherwise" insert "of".

27. On page 38, line 17; page 40, line 4; page 42, line 18; page 45, line 3; page 47, line 17; page 49, line 3; page 51, line 6; page 53, line 6; page 55, line 2; page 56, line 19; and page 58, line 10, strike "the".

28. On page 50, line 7, after "performance" insert a comma; and in line 17 strike "to".

29. On page 52, line 5, strike "administration" and insert "administrative".

30. On page 58, line 6; and page 59, line 18, strike the second comma.

31. On page 60, line 25, strike "the provisions".

32. On page 61, line 1, strike "of"; in line 17 strike "said" and insert "such".

33. On page 62, line 2, strike the last period and insert a comma.

34. On page 64, line 9, strike both commas.

LEGISLATIVE BILL 602. Placed on Select File as amended.
E & R amendments to LB 602:
AM5313

1. On page 1, line 5, strike "and"; and in line 6 after "sections" insert "; and to declare an emergency".

2. On page 2, line 22, strike "12" and insert "2".

LEGISLATIVE BILL 606. Placed on Select File.

LEGISLATIVE BILL 190. Placed on Select File as amended.
E & R amendments to LB 190:
AM5314

1. On page 1, line 2, strike "to 71-2052" and insert ", 71-2051"; and strike line 5 and insert "to authorize the administration of oxygen as prescribed;".

2. On page 5, line 20, after "medication" insert "administration".

LEGISLATIVE BILL 828. Placed on Select File as amended.
E & R amendments to LB 828:

AM5315

1. In the Bernard-Stevens amendment, AM1921, adopted February 5, 1988:

a. On page 1, line 9, after "except" insert "that"; and in line 11 after "(b)" insert "payment may be approved"; and

b. Strike amendment 3 and insert the following new amendment:

"3. On page 5, line 16, after 'original' insert 'section 23-135, Reissue Revised Statutes of Nebraska, 1943, and'.".

2. In the Standing Committee amendments, AM1768, on page 2, line 2, after "property" insert an underscored comma.

3. On page 1, line 1, after "amend" insert "section 23-135, Reissue Revised Statutes of Nebraska, 1943, and"; in line 2 after the second comma insert "23-3104,"; in line 3 after the semicolon insert "to authorize approval of payment for certain property;"; in line 4 strike "used," and insert "obsolete or unusable"; and in line 5 after the semicolon insert "to define a term;".

4. On page 2, line 1, strike the comma; in line 2 after "agent" insert an underscored comma; and in line 16 strike the first comma.

5. On page 4, line 2, after the second "board" insert an underscored comma; in lines 3 and 8 after "agent" insert an underscored comma; in line 7 after "board" insert an underscored comma; and in line 19 after "county" insert "board".

(Signed) Scott Moore, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 278. Introduced by Abboud, 12th District; Withem, 14th District.

WHEREAS, Air Force Major Michael J. Bosiljevac was a native of Omaha, Nebraska; and

WHEREAS, Major Bosiljevac served his country faithfully as an F-105J fighter pilot in Vietnam; and

WHEREAS, Major Bosiljevac was shot down in the line of duty on September 29, 1972, and listed as missing in action; and

WHEREAS, the major's remains have been identified and returned to Nebraska for memorial services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its profound sympathy for Kay Bosiljevac and the Bosiljevac family.

2. That the Legislature salutes the courage and perseverance of Mrs. Bosiljevac in her efforts to determine the fate of her husband.

3. That a copy of this resolution be mailed to Kay Bosiljevac by the Clerk of the Legislature.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1060A. Introduced by Chizek, 31st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1060, Ninetieth Legislature, Second Session, 1988.

MESSAGES FROM THE GOVERNOR

February 8, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Health, requiring legislative confirmation.

> Appointee: Robert F. Shapiro, M.D., 7410 Old Post Road #8, Lincoln, NE 68506, Work: 486-7118.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

February 8, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Health, requiring legislative confirmation.

Appointee: L.E. Voss, 907 American Charter Center, Lincoln, NE 68508-2010, Work: 475-1511.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

February 8, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Health, requiring legislative confirmation.

Appointee: Dr. J.C. Marcum, Box 314, Spencer, NE 68777, Work: 589-1110.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

GENERAL FILE

LEGISLATIVE BILL 88. Mrs. Smith offered the following amendment:

P. 3, line 24, after the word condition - insert the following new language

"when death is imminent and"

and on p. 4, line 24 after the word condition insert the following new language

"and am in the final stages of a terminal condition and death is imminent,"

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland moved to recommit LB 88 to the Judiciary Committee for further consideration.

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1133. Placed on General File.

(Signed) Dennis Baack, Chairperson

Health and Human Services

LEGISLATIVE BILL 256. Placed on General File as amended.
Standing Committee amendment to LB 256:
AM1912

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Nebraska Health Care Information Access Act.

Sec. 2. The Legislature finds that patients need to be able to obtain access to their own health care information as a matter of fairness. Access to health care information will enable patients to make informed decisions about their health care and permit patients to correct inaccurate or incomplete information about themselves.

Sec. 3. As used in the Nebraska Health Care Information Access Act, unless the context otherwise requires:

(1) Health care shall mean any care, service, or procedure provided by a health care provider (a) to diagnose, treat, or maintain a patient's physical or mental condition or (b) that affects the structure or any function of the human body;

(2) Health care facility shall mean a hospital, clinic, nursing home, laboratory, office, or other location where a health care provider provides health care to patients;

(3) Health care information shall mean any information in any form or medium, that identifies or can readily be associated with the identity of a patient and relates to the patient's health care. Health care information shall include any record of disclosures of a patient's health care information;

(4) Health care provider shall mean a person who is licensed, certified, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or the practice of a profession. Health care provider shall not include a person who provides health care solely through the sale or dispensing of drugs or medical devices;

(5) Maintain, as related to health care information, shall mean to hold, possess, preserve, retain, store, or control health care information;

(6) Patient shall mean an individual who receives or has received health care. Patient shall also include a deceased individual who has received health care; and

(7) Person shall mean an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, or association or any other legal entity.

Sec. 4. (1) Upon receipt of a written request

from a patient to examine or copy all or part of the patient's health care information, a health care provider, as promptly as required under the circumstances but not later than twenty-one working days after receiving the request, shall:

(a) Make the health care information or a summary of the health care information available for examination during regular business hours consistent with the reasonable rules and regulations of the health care provider and provide a copy of the health care information or summary of the health care information, if requested, to the patient;

(b) Inform the patient if the health care information does not exist or cannot be found;

(c) If the health care provider does not maintain the health care information, inform the patient and provide the name and address, if known, of the health care provider who maintains the health care information;

(d) If the health care information is in use or unusual circumstances have delayed handling the request, inform the patient and specify in writing the reasons for the delay and the earliest date the health care information will be available for examination or copying or when the request will otherwise be disposed of; or

(e) Deny the request, in whole or in part, pursuant to section 5 of this act and inform the patient.

(2) Upon request, the health care provider shall provide an explanation of any code or abbreviation used in the health care information. If health care information is not maintained by the health care provider in the requested form, the health care provider shall not be required to create a new record or reformulate an existing record to make the health care information available in the requested form. The health care provider may charge a reasonable fee for providing health care information or a summary of the health care information and shall not be required to permit examination or copying of such information or summary until the fee is paid.

Sec. 5. (1) A health care provider may deny access to health care information by the patient if the

health care provider reasonably concludes that:

(a) Knowledge of the health care information would be injurious to the health of the patient;

(b) Knowledge of the health care information could reasonably be expected to lead to the identification of the individual who provided the information in confidence and under circumstances in which confidentiality was appropriate;

(c) Knowledge of the health care information could reasonably be expected to cause danger to the life or safety of any individual;

(d) The health care information was compiled and is used primarily for litigation, quality assurance, peer review, or administrative purposes; or

(e) Access to the health care information is otherwise prohibited by law.

(2) If a health care provider denies an examination and copying request pursuant to this section, the health care provider, to the extent possible, shall segregate health care information for which access has been denied pursuant to this section from health care information for which access cannot be denied and permit the patient to examine or copy the disclosable health care information or a summary of the health care information.

(3) If a health care provider denies a patient's request for examination and copying, in whole or in part, pursuant to subdivision (1)(a) or (1)(c) of this section, the health care provider shall permit examination and copying of the health care information by another health care provider selected by the patient who is licensed, certified, or otherwise authorized under the laws of this state to practice the same profession as the original health care provider.

Sec. 6. For purposes of accuracy or completeness, a patient may request in writing that a health care provider correct or amend the patient's health care information to which a patient has access under section 4 of this act. As promptly as required under the circumstances, the health care provider shall make the requested correction or permit the patient to add a statement to the patient's health care information.

Sec. 7. Any person aggrieved by a violation

of the Nebraska Health Care Information access act may maintain an action for relief. The court may order the health care provider or other person to comply with the act and may order any other appropriate relief. If the court determines that there is a violation of the act, the aggrieved person shall be entitled to recover damages for pecuniary losses sustained as a result of the violation. In any action or proceeding under the act, the court in its discretion may allow the prevailing party a reasonable attorney's fee as part of the costs. Any action under the Nebraska Health Care Information Access Act shall be barred unless the action is commenced within two years after the cause of action arises.

Sec. 8. The Nebraska Health Care Information access act shall not restrict a health care provider from complying with obligations imposed by federal health care payment programs or federal law.

Sec. 9. A person authorized to consent to health care for another may exercise the rights of such other person under the Nebraska Health Care Information Access Act to the extent necessary to effectuate the terms or purposes of the grant of authority. A patient who is a minor who receives health care without parental consent as authorized under the laws of this state may exclusively exercise the rights of a patient under the act as to information pertaining to health care to which the minor lawfully consented. A person authorized to act for a patient shall act in good faith to represent the best interests of the patient.

Sec. 10. A personal representative of a deceased patient may exercise all of the deceased patient's rights under the Nebraska Health Care Information Access Act. If there is no personal representative or upon discharge of the personal representative, a deceased patient's rights under such act may be exercised by any person who is authorized by law to act for the deceased patient.

Sec. 11. Except as expressly provided in the Nebraska Health Care Information Access Act, the act shall not be construed to establish, diminish, or abrogate current law in this state concerning the release or disclosure of health care information.

Sec. 12. The Nebraska Health Care Information

Access Act shall not affect any other law which more severely restricts the disclosure of specific types of health-record information to any person other than the subject of such information.

Sec. 12. 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.".

LEGISLATIVE BILL 861. Placed on General File as amended.
Standing Committee amendments to LB 861:
AM1911

1. Insert the following new section:

"Section 1. Because the state prohibits both the use of smokeless tobacco products by minors and the furnishing of smokeless tobacco products to minors and because the enforcement of an age-related restriction on the promotional distribution of smokeless tobacco products is impractical and ineffective, it is the intent of the Legislature to control the distribution of such products and discourage illegal activity by prohibiting all promotional distribution.".

2. On page 2, strike beginning with "Cost" in line 3 through line 10 and insert "Distribute shall mean to give smokeless tobacco products to the general public at no cost or at nominal cost for product promotional purposes and shall include, but not be limited to, coupons and rebate offers; and"; in line 17 before "Manufacturers" insert "(1)"; in line 19 strike "(1)" and after "products" insert a period; and strike lines 20 through 23 and insert the following new subsection:

"(2) Evidence of distribution of smokeless tobacco products to the general public at no cost or at nominal cost, including, but not limited to, coupons and rebate offers, shall be prima facie evidence of distribution for promotional purposes.".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1015. Placed on General File as amended.
Standing Committee amendments to LB 1015:
AM1938

1. On page 2, strike beginning with "meal" in

line 14 through line 15; in line 16 strike "transportation" and insert "toileting, feeding"; and in line 23 strike "dosage of and".

2. On page 3, line 18, strike the comma and insert "and"; and strike beginning with "and" in line 20 through "course" in line 23 and insert "is a graduate of a school of practical or professional nursing, or is a current nursing student who has completed a course in nursing which includes practical clinical experience in personal care".

3. On page 4, line 3, strike the comma and insert "and"; in line 4 after "aide" insert "I and"; in line 9 after "includes" insert "practical"; strike beginning with the comma in line 9 through "training" in line 12 and insert "in personal care"; and in line 14 strike "except on diabetic patients".

4. On page 5, line 5, after the semicolon insert "and"; in line 16 strike "; or" and insert "in personal care;"; in line 21 strike "and" and insert "or"; and strike lines 22 through 25 and insert:

"(e) Has successfully completed a course in another state which is the substantial equivalent of a home health aide I or home health aide II training course approved by the department.".

5. On page 6, line 3, after "demonstrates" insert "to the home health agency employer"; in line 5 after "I" insert "or home health aide II"; in line 7 after the period insert "The home health agency shall verify in writing to the department the competency of such individual in the manner and method prescribed by the department."; in line 12 strike "Home" and insert "A home" and strike "aides" and insert "aide II"; in line 14 after "medication" insert "or prefill syringes with medication"; and in line 20 strike "reporting" and insert "verification".

6. On page 7, line 6, strike "aid" and insert "aide"; in line 8 after "review" insert "with such home health aide I"; and in line 25 strike "The department may" and insert "On or before January 1, 1989, the department shall".

7. On page 8, line 2, strike "including, but not" and insert "which may include, but shall not be".

8. On page 9, in lines 10 and 17, before "a" insert "(i)"; and in line 15 after "skills" and in line

22 after "procedures" insert "and (ii) a competency evaluation program which requires an individual to demonstrate minimum acceptable proficiency in performing activities which are the subject of the training course".

9. On page 10, line 5, after the semicolon insert "and adapting"; strike beginning with the semicolon in line 6 through "in" in line 7; in line 7 after "techniques" insert "in the home setting" and after the period insert "Such training shall also include a competency evaluation program which requires an individual to demonstrate minimum acceptable proficiency in performing activities which are the subject of the training courses."; in line 10 after "verify" insert "to the individual"; strike beginning with "classroom" in line 10 through line 20 and insert "training course."; and in line 23 strike "continuing approval" and insert "reapproval".

10. On page 11, line 13, strike "continuation of course approval" and insert "reapproval of a course"; in line 16 strike "or continuation of course approval" and insert "and reapproval of a course"; in line 18 after the period insert "Once an application for approval for any home health aide course has been granted by the department, reapproval shall not again be required unless such previously approved training course is changed."; in line 20 strike "continuing approvals" and insert "reapprovals"; and in line 22 strike "section 9 of".

11. On page 12, line 15, strike "section 9 of".

12. Insert the following new section:

"Sec. 12. Each home health agency shall be responsible for verifying in a manner and method prescribed by the department that a home health aide is competent to perform those activities which are the subject of training courses.

Sec. 15. This act shall not apply to any volunteers working on behalf of a hospice program, as such program is defined by rules and regulations of the department, who, as part of their volunteer duties, provide home health care.".

13. Renumber remaining sections accordingly.

(Signed) Don Wesely, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1057. Placed on General File as amended.
Standing Committee amendment to LB 1057:
AM1902

1. On page 3, line 17, after "contracts"
insert "who provides the director with a copy of his or her examination score indicating that he or she has successfully passed either the appropriate National Association of Securities Dealers or other national securities exchange examination"

LEGISLATIVE BILL 1110. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1908.)

LEGISLATIVE BILL 1083. Placed on General File.

(Signed) R. W. Remmers, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 868A. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to to appropriate funds to aid in carrying out the provisions of Legislative Bill 868, Ninetieth Legislature, Second Session, 1988.

GENERAL FILE

LEGISLATIVE BILL 88. The pending McFarland motion to recommit to Judiciary Committee was renewed.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 9 nays, and 14 not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. McFarland moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 25 not voting.

Mr. McFarland requested a roll call vote on his motion to recommit to committee.

Voting in the affirmative, 23:

Abboud	Dierks	Johnson, L.	McFarland	Remmers
Beyer	Goodrich	Korshoj	Miller	Rogers
Campbell	Hall	Labedz	Moore	Schellpeper
Chizek	Hartnett	Lamb	Peterson	Schmit
Conway	Hefner	Langford		

Voting in the negative, 20:

Ashford	Coordsen	Johanns	Morehead	Warner
Barrett	Elmer	Johnson, R.	Nelson	Wehrbein
Bernard-Stevens	Hannibal	Landis	Scofield	Weihing
Chambers	Higgins	Marsh	Smith	Wesely

Excused and not voting, 6:

Baack	Johnson, V.	Lynch	Pirsch	Withem
Haberman				

The McFarland motion to recommit lost with 23 ayes, 20 nays, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 352 in the Journal. No objections. So ordered.

AM1946

1. Strike original section 29.

2. On page 247, line 19, after "cost" insert "or require the petitioner to pay the cost".

3. Insert the following new section:

"Sec. 189. This act shall become operative on July 1, 1989.".

4. On page 249, line 17, strike "43-666,".

5. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 20 fifth grade students and sponsor from St. Patrick's School, Lincoln; Jean Young and Jack Cote from South Sioux City; 25 students and sponsor from St. John's Baptist Parochial School, Plattsmouth; Wendell and Avis Hefner from Sioux City; Mr. and Mrs. Gary Kirch and daughter, Virginia from Blair; 9 members of the U.S. Civil Air Patrol; Brian Hefner from Lincoln; 50 fourth grade students and teachers from Benson West School, Omaha; and Steve Henry from Arapahoe.

MOTION - Adjournment

At 12:06 p.m., on a motion by Mrs. Campbell, the Legislature adjourned until 9:00 a.m., Wednesday, February 10, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 10, 1988

LEGISLATIVE JOURNAL

TWENTY-FOURTH DAY - FEBRUARY 10, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 10, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Father Sam Bowman, St. David's Episcopal Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch and Mr. Withem who were excused; and Messrs. Ashford, Bernard-Stevens, Chambers, Conway, Haberman, Hall, McFarland, Warner, Mesdames Higgins, Labedz, Morehead, Nelson, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Third Day was approved.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1136. Placed on General File.

(Signed) Dennis Baack, Chairperson

Natural Resources

LEGISLATIVE BILL 151. Indefinitely postponed.
LEGISLATIVE BILL 1062. Indefinitely postponed.
LEGISLATIVE BILL 1063. Indefinitely postponed.
LEGISLATIVE BILL 1090. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Miller asked unanimous consent to have his name added as co-introducer to LB 1123. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

February 5, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Nebr. Agri. Land Valuation Advisory Board, requiring legislative confirmation.

Appointee: Alan D. Dillman, Rt. 1, Morrill, NE 69358, work: 308-247-2331

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

ANNOUNCEMENTS

The Nebraska Retirement Systems Committee designates LB 879 as its priority bill.

The Government, Military and Veterans Affairs Committee designates LB 1167 as its priority bill.

Mr. Rogers designates LB 943 as his priority bill.

Mr. R. Johnson designates LB 913 as his priority bill.

REPORT

Received report from the Office of Risk Management/State Claims Board for all claims processed and paid under the State Tort Claims Act for the period July 1, 1986 to June 30, 1987, in accordance with Section 81-8,226.

MOTION - Approve Appointments

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 742: Elvin A. Adamson - Game and Parks Commission.

Voting in the affirmative, 26:

Abboud	Goodrich	Johnson, R.	Marsh	Rogers
Barrett	Hannibal	Johnson, V.	Miller	Schellpeper
Campbell	Hefner	Korshoj	Moore	Schmit
Coordsen	Johanns	Lamb	Peterson	Wehrbein
Dierks	Johnson, L.	Langford	Remmers	Weihing
Elmer				

Voting in the negative, 0.

Present and not voting, 7:

Baack	Chizek	Lynch	Smith	Wesely
Beyer	Landis			

Excused and not voting, 16:

Ashford	Conway	Higgins	Morehead	Scofield
Bernard-Stevens	Haberman	Labedz	Nelson	Warner
Chambers	Hall	McFarland	Pirsch	Withem
	Hartnett			

This appointment was confirmed with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 742: Thomas C. Baker - Oil and Gas Commission.

Voting in the affirmative, 27:

Abboud	Elmer	Johnson, R.	Miller	Rogers
Baack	Goodrich	Johnson, V.	Moore	Schellpeper
Barrett	Hall	Korshoj	Nelson	Schmit
Campbell	Hannibal	Lamb	Peterson	Wehrbein
Chizek	Hartnett	McFarland	Remmers	Wesely
Dierks	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 10:

Beyer	Hefner	Landis	Lynch	Smith
Coordsen	Johanns	Langford	Marsh	Weihing

Excused and not voting, 12:

Ashford	Chambers	Higgins	Pirsch	Warner
Bernard-Stevens	Conway	Labedz	Scofield	Withem
	Haberman	Morehead		

This appointment was confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 742: Robert L. Petersen - Environmental Control Council; Fred E. Hlava - Environmental Control Council.

Voting in the affirmative, 26:

Abboud	Goodrich	Johanns	Marsh	Rogers
Barrett	Hall	Johnson, L.	Miller	Schellpeper
Campbell	Hannibal	Johnson, V.	Moore	Schmit
Dierks	Hartnett	Korshoj	Nelson	Scofield
Elmer	Hefner	Langford	Peterson	Wehrbein

Weihing

Voting in the negative, 0.

Present and not voting, 12:

Baack	Coordsen	Landis	McFarland	Smith
Beyer	Johnson, R.	Lynch	Remmers	Wesely
Chizek	Lamb			

Excused and not voting, 11:

Ashford	Chambers	Higgins	Morehead	Warner
Bernard-Stevens	Conway	Labedz	Pirsch	Withem
	Haberman			

These appointments were confirmed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 274, LR 275, LR 276, and LR 277.

RESOLUTIONS

LEGISLATIVE RESOLUTION 272. Read. Considered.

LR 272 was adopted with 34 ayes, 0 nays, and 15 not voting.,

LEGISLATIVE RESOLUTION 278. Read. Considered.

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LR 278. No objections. So ordered.

LR 278 was adopted with 29 ayes, 0 nays, and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 375. E & R amendments, AM5235, found in the Journal on page 2290 for the Eighty-Second Day, First Session, 1987, were adopted.

Mr. Hall withdrew his pending motion found in the Journal on page 1959, First Session, 1987, to indefinitely postpone.

The Harris pending amendments, AM0576, found in the Journal on page 1398, First Session, 1987, and AM0830, found in the Journal on page 1445, First Session, 1987, were withdrawn.

Mr. Schmit renewed his pending amendment, AM1826, printed separate from the Journal and referred to on page 628.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 272.

SELECT FILE

LEGISLATIVE BILL 375. The pending Schmit amendment, AM1826, printed separate from the Journal and referred to on page 628 and considered in this day's Journal was renewed.

Mr. Hefner offered the following amendment to the pending Schmit amendment:
AM1843

(Amendments to AM1826)

1. On page 15, line 9, strike "1989" and insert "1990"; and in line 11 strike "1989" and insert "1990".

Mr. Hefner withdrew his pending amendment, AM1843.

Mr. Hefner offered the following amendment to the pending Schmit amendment:

(Amendments to AM1826)

1. On page 15, line 9, strike "July 1, 1989" and insert "Jan. 1, 1990"; and in line 11 strike "July 1, 1989" and insert "Jan. 1, 1990".

The Hefner amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Hefner offered the following amendment to the pending Schmit amendment:

(Amendments to AM1826)

1. On page 11, line 20, strike "July 1, 1990" and insert "January 1, 1991".

The Hefner amendment was adopted with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Hefner offered the following amendment to the pending Schmit amendment:

(Amendments to AM1826)

1. On page 15, line 17, strike "fifteen" and insert "fourteen".

SPEAKER BARRETT PRESIDING

The Hefner amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

The pending Schmit amendment, as amended, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Remmers withdrew his pending amendment, AM1567, printed separate from the Journal and referred to on page 179.

Mr. 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. Schmit moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Schmit requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Chizek	Hall	Labedz	Nelson
Baack	Conway	Hannibal	Lynch	Schmit
Bernard-Stevens	Elmer	Hartnett	Marsh	Warner
	Goodrich	Johanns	McFarland	Weihing
Beyer	Haberman	Johnson, V.	Morehead	Wesely
Campbell				

Voting in the negative, 18:

Abboud	Hefner	Korshoj	Miller	Remmers
Barrett	Higgins	Lamb	Moore	Rogers
Coordsen	Johnson, L.	Landis	Peterson	Schellpeper
Dierks	Johnson, R.	Langford		

Present and not voting, 2:

Chambers Smith

Excused and not voting, 4:

Pirsch Scofield Wehrbein Withem

Advanced to E & R for Engrossment with 25 ayes, 18 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 928	Wednesday, February 17, 1988	1:30 p.m.
LB 1126	Wednesday, February 17, 1988	1:30 p.m.
LB 946	Thursday, February 18, 1988	1:30 p.m.
LB 947	Thursday, February 18, 1988	1:30 p.m.
LB 1150	Thursday, February 18, 1988	1:30 p.m.
LB 1223	Thursday, February 18, 1988	1:30 p.m.
LB 1151	Friday, February 19, 1988	1:30 p.m.
LB 1172	Friday, February 19, 1988	1:30 p.m.

LB 1176	Friday, February 19, 1988	1:30 p.m.
LB 1173	Friday, February 19, 1988	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 1155. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 122 in the Journal. No objections. So ordered.

AM1943

1. Insert the following new sections:

"Sec. 2. That section 29-1912, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1912. (1) When a defendant is charged with a felony 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, he or she may request the court where the case is to be tried or magistrate where the preliminary hearing is to be held, at any time after the filing of the indictment, information, or complaint, to order the prosecuting attorney to disclose to the defense counsel all of the material and information within the prosecuting attorney's possession or control or within that of any law enforcement agency or member of the agency including, but not limited to:

(a) Any written or recorded statements and the substance of any oral statements made by the defendant or made by a codefendant; ~~permit the defendant to inspect and copy or photograph:~~

~~(a) The defendant's statement, if any. For purposes of this subdivision statement shall mean a written statement made by the defendant and signed or otherwise adopted or approved by him or her, or a stenographic, mechanical, electrical, or other~~

~~recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by the defendant to an agent of the prosecution, state, or political subdivision thereof, and recorded contemporaneously with the making of such oral statement;~~

(b) The defendant's prior criminal record or that of a codefendant, if any;

(c) ~~The defendant's recorded testimony before a grand jury~~ Those portions of grand jury minutes containing testimony of witnesses;

(d) The names and addresses of witnesses ~~on whose evidence the charge is based~~ together with their relevant written or recorded statements;

(e) ~~The results and reports of physical or mental examinations, and of scientific tests, or experiments made in connection with the particular case, or copies thereof~~ Any reports or statements made by experts in connection with the particular case, including results of mental or physical examinations and scientific tests, experiments, or comparisons; and

(f) Documents, papers, books, accounts, letters, photographs, objects, or other tangible things of whatsoever kind or nature which could be used as evidence by the prosecuting authority.

(2) When the information is within the prosecuting attorney's possession or control, the prosecuting attorney shall inform the defense counsel:

(a) If relevant, recorded grand jury testimony has not been transcribed;

(b) If the defendant's conversations or premises have been subjected to electronic surveillance, including wiretapping;

(c) If the prosecuting attorney intends to conduct scientific tests, experiments, or comparisons which may consume or destroy the subject of the test or intends to dispose of relevant physical objects; and

(d) If the prosecuting attorney intends to offer, as part of the proof that the defendant committed the offense charged, evidence of other offenses.

(3) The prosecuting attorney shall disclose to the defense counsel any material or information within the prosecuting attorney's possession or control which tends to negate the guilt of the defendant as to the

offense charged or which would tend to reduce the punishment of the defendant.

(4) The prosecuting attorney's obligations under this section extend to material and information in the possession or control of members of the prosecuting attorney's staff and of any others who either regularly report or, with reference to the particular case, have reported to the prosecuting attorney's office.

(5) The court or magistrate shall permit the defendant at his or her cost to inspect and copy or photograph any of the items described in this section, including investigatory reports.

(6) ~~(2)~~ The court or magistrate may issue ~~such an order~~ any orders pursuant to ~~the provisions of~~ this section. In the exercise of its judicial discretion, the court shall consider among other things whether:

(a) The request is material to the preparation of the defense;

(b) The request is not made primarily for the purpose of harassing the prosecution or its witnesses;

(c) The request, if granted, would not unreasonably delay the trial of the offense and an earlier request by the defendant could not have reasonably been made;

(d) There is no substantial likelihood that the request, if granted, would preclude a just determination of the issues at the trial of the offense; or

(e) The request, if granted, would not result in the possibility of bodily harm to, or coercion of, witnesses.

(7) ~~(3)~~ Whenever the court refuses to grant an order pursuant to ~~the provisions of~~ this section, it shall render its findings in writing together with the facts upon which the findings are based.

(8) ~~(4)~~ Whenever the prosecuting attorney believes that the granting of an order under ~~the provisions of~~ this section will result in the possibility of bodily harm to witnesses or that witnesses will be coerced, the court may permit him or her to make such a showing in the form of a written statement to be inspected by the court alone. The statement shall be sealed and preserved in the records of the court to be made available to the appellate court

in the event of an appeal by the defendant.

Sec. 3. That original section 29-1912, Reissue Revised Statutes of Nebraska, 1943, and also sections 29-1922 to 29-1924, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

ANNOUNCEMENT

Mrs. Morehead announced the General Affairs Committee will meet in Executive Session Thursday, February 11, 1988 at 7:30 a.m., in Room 1520.

SELECT FILE

LEGISLATIVE BILL 352. E & R amendments, AM5247, printed separate from the Journal and referred to on page 340 for the Eighth Day were adopted.

Mr. Landis withdrew his pending amendment, AM1600, found in the Journal on page 257.

PRESIDENT NICHOL PRESIDING

Mr. Abboud renewed his pending amendment, AM1700, found in the Journal on page 419.

Mr. Chizek offered the following amendment to the pending Abboud amendment:
AM1866

1. In the Abboud amendment, AM1700, found on page 419 of the Journal, strike amendments 1 and 2 and insert the following new amendment:

"1. In AM1610, on page 2, strike beginning with 'Any' in line 15 through the underscored period in line 20 and insert:

'Any individual who is a party to a formal hearing before an agency may demand that such hearing be held in the county of his or her residence within the State of Nebraska by delivering to such agency, at least twenty days prior to the holding of such hearing, a written demand therefor, and such demand shall be granted.

Any corporation who is a party to a formal hearing may demand such hearing be held within the

county of residence of its registered agent within the State of Nebraska by delivering to such agency, at least twenty days prior to the holding of such hearing, a written demand therefor, and such demand shall be granted. If there is more than one nongovernment party to the hearing, the parties may jointly and unanimously demand that the hearing be conducted in one of their counties of residence pursuant to this subsection. Such demand shall constitute a waiver of any further notice of such hearing to the parties by the agency. If the parties do not so demand, the hearing officer shall set the location of the hearing, giving due deference to the residences of the parties.'.".

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud 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. McFarland asked unanimous consent to be excused. No objections. So ordered.

Mr. Chizek moved for a call of the house. The motion prevailed with 7 ayes, 2 nays, and 40 not voting.

Mr. Abboud requested a roll call vote on the Chizek amendment.

Voting in the affirmative, 24:

Ashford	Chambers	Elmer	Johnson, L.	Peterson
Baack	Chizek	Goodrich	Labedz	Remmers
Bernard-Stevens	Conway	Hall	Lamb	Rogers
	Coordsen	Hefner	Moore	Schellpeper
Beyer	Dierks	Johanns	Nelson	Weihing

Voting in the negative, 13:

Abboud	Johnson, V.	Langford	Miller	Warner
Campbell	Korshoj	Lynch	Morehead	Wesely
Hannibal	Landis	Marsh		

Present and not voting, 6:

Barrett Hartnett Higgins Johnson, R. Smith
Haberman

Excused and not voting, 6:

McFarland Schmit Scofield Wehrbein Withem
Pirsch

The Chizek amendment lost with 24 ayes, 13 nays, 6 present and not voting, and 6 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 1040 Thursday, February 18, 1988 5:30 p.m.

(Signed) Jerome Warner, Chairperson

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 969. Placed on General File.

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 419 in the Journal. No objections. So ordered.

AM1957

(Amendments to AM1808)

1. On page 2, line 18, strike "a portion" and insert "one-half"; and strike beginning with "having" in line 21 through "value" in line 22 and insert "up to a maximum".

Mr. Wesely asked unanimous consent to print the following amendment to LB 557 in the Journal. No objections. So ordered.

AM1986

(Amendments to AM1827)

1. On page 4, line 23, strike "pursuant to section 7 of this act".

2. On page 5, line 13, strike "this section and".

3. On page 6, line 2, strike "(a)"; and strike beginning with "of" in line 4 through line 24 and all amendments thereto and insert "for renewal in accordance with section 71-110.".

4. On page 7, strike lines 1 through 24.

5. On page 8, strike lines 1 through 24 and all amendments thereto.

6. On page 9, strike line 1; strike beginning with "medicine" in line 4 through "law" in line 6 and insert "any profession under Chapter 71, article 1, 3, 27, 37, 47, or 61."; and strike lines 11 through 17 and all amendments thereto.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 871. Placed on Select File as amended.
E & R amendments to LB 871:
AM5331

1. On page 1, line 11, after the second semicolon insert "to redefine terms; to change provisions relating to milk;".

2. On page 4, line 17; and page 6, line 13, strike "such" and insert "the".

3. On page 5, line 20, strike "shall violate", show as stricken, and insert "violates".

4. On page 9, line 16, after "regulations" insert "adopted and promulgated".

5. On page 13, line 11, strike the comma, show as stricken, and insert "and".

6. On page 14, line 5, strike the comma and show as stricken; and in line 21 strike "under this section" and show as stricken.

7. On page 18, line 20, strike the comma and show as stricken.

8. On page 20, line 1, after "adopted" insert "and promulgated"; and in line 22 strike "such" and insert "the".

9. On page 21, line 15, strike "Nebraska

Manufacturing Milk Act", show as stricken, and insert "act"; and in line 18 strike "herein,", show as stricken, and insert "in the act".

10. On page 22, line 1, strike "this" and insert "the".

11. On page 23, line 10, strike "includes", show as stricken, and insert "shall include".

12. On page 24, line 25, strike the comma, show as stricken, and insert "and".

13. On page 26, line 1, strike "one of" and "listed methods:" and show both as stricken; and in line 2 reinstate the stricken "standard" and strike the new matter.

14. On page 30, line 13, after "with" insert "rules and".

15. On page 31, line 3, after the comma insert "may be".

16. On page 34, line 6, strike the comma; and in line 11 strike "such" and insert "a".

17. On page 38, line 19, strike "revocation" and insert "probation"; and in line 24 after "adopted" insert "and promulgated".

18. On page 39, line 14, strike "issued", show as stricken, and insert "adopted and promulgated" and strike "director", show as stricken, and insert "department".

19. On page 41, line 6, after "and" insert "may require the owner or custodian"; and in line 7 after "hold" insert "any lot".

20. On page 41, line 22; and page 42, line 11, after "Act" insert "or, if appropriate, the phrase the act".

LEGISLATIVE BILL 872. Placed on Select File.

LEGISLATIVE BILL 874. Placed on Select File as amended.
E & R amendments to LB 874:
AM5332

1. On page 1, line 4 strike the comma and after the semicolon insert "to eliminate and change provisions relating to the State Entomologist;"; and in line 11 after the second comma insert "and".

2. On page 2, line 18, after "requires" insert a comma.

3. On page 3, line 7, strike "Utilization" and insert "The utilization"; in line 13 after "mean" insert "the"; and in line 20 strike "such" and insert "the same".

4. On page 5, lines 1, 11, and 17, strike "any"; and in line 16 strike "or any" and insert a comma.

5. On page 6, line 2, after "department" insert "and under the direction of the Director of Agriculture"; in line 5 strike the second comma; in line 15 strike "shall have the authority to" and insert "may"; strike beginning with "shall" in line 20 through "to" in line 21 and insert "may"; and strike beginning with "Plant" in line 22 through "Act" in line 23 and insert "act".

6. On page 7, lines 3 and 22, strike "such" and insert "the"; in line 17 strike "Plant"; and in line 18 strike "Protection and Plant Pest Act" and insert "act".

7. On page 8, line 7, strike "Plant Protection and Plant Pest Act" and insert "act"; and in line 15 strike the comma.

8. On page 9, line 10, strike "shall have the authority" and insert "may"; in line 11 strike ", to" and insert "of this section"; in line 12 strike both commas; in line 13 strike the first "and" and after "standards" insert a comma; and in line 22 strike "to be".

9. On page 10, line 20, after "in" insert "the".

10. On page 13, line 23, strike the comma.

11. On page 14, line 14, strike "to be".

12. On page 16, line 5, strike "which" and insert "who".

13. On page 17, line 18, strike "on" and insert "in"; strike line 20; and in line 21 strike "stock" and insert "Nursery stock on which such orders are placed".

14. On page 18, line 3, after "pests" insert a comma; in line 4 strike "will" and insert "shall"; and in line 7 strike "are" and insert "shall be".

15. On page 19, line 3, after "by" insert "a".

16. On page 20, line 9, strike "if"; in line

10 strike the comma; and in line 25 strike "to" and insert "by".

17. On page 21, lines 7 and 15, strike the first "or"; and in line 8 strike the comma.

18. On page 22, line 3, after "of" insert "the"; in line 14 after "valid" insert "grower's or dealer's"; and in line 25 after "section" insert a comma.

19. On page 23, line 2, strike the comma; and in line 17 strike "publishing" and insert "publication".

20. On page 24, strike beginning with "Any" in line 22 through "requirements" in line 23 and insert "Nursery stock and all other plants".

21. On page 25, line 20, strike "and enforce"; and in line 23 after "welfare" insert "and may enforce such order".

22. On page 26, line 5, strike "shall have the authority to" and insert "may"; and in line 21 strike the first comma and insert "or the".

23. On page 27, line 2, after "in" insert "carrying out"; in line 3 strike the first comma and insert "or the"; in lines 13 and 15 strike the commas; and in line 17 after "of" insert "the".

24. On page 28, line 5, strike "shall" and insert "will"; and in line 25 strike the first comma and insert "or" and after "while" insert "the licensee was".

25. On page 29, line 10, strike the comma; and in line 13 after "with" insert "provisions for".

26. On page 30, line 3, after "35" insert "of this act".

27. On page 31, line 6, strike "or ruling"; in line 7 strike "or"; and strike line 8 and insert ", and the appeal shall be in accordance with the".

28. On page 32, line 8, strike all quotation marks.

29. On page 33, line 10, after the last comma insert "and".

LEGISLATIVE BILL 980. Placed on Select File as amended.
E & R amendment to LB 980:
AM5320

1. On page 1, line 2, after "warehouses" insert "for the storage of goods".

LEGISLATIVE BILL 845. Placed on Select File as amended.
E & R amendment to LB 845:
AM5319

1. On page 4, line 3, strike "inheritance", show as stricken, and insert "clear market value of the beneficial interest".

LEGISLATIVE BILL 930. Placed on Select File as amended.
E & R amendments to LB 930:
AM5322

1. On page 1, strike beginning with "to" in line 4 through "homes" in line 6 and insert "to eliminate a license fee for foster family homes; to authorize payment of certain fees by the Department of Social Services; to change a notice provision as prescribed".
2. On page 4, line 1, strike "a" and show as stricken.
3. On page 6, strike line 5 and insert "The fees".

LEGISLATIVE BILL 857. Placed on Select File as amended.
E & R amendments to LB 857:
AM5317

1. On page 3, line 16; page 7, line 12; and page 10, line 20, strike "must", show as stricken, and insert "shall".
2. On page 4, line 7; page 5, lines 12 to 13; and page 9, line 4, strike "the within", show as stricken, and insert "this".
3. On page 8, line 9, before "Vehicle" insert "Mfr's.".
4. On page 11, line 5, strike the semicolon and show as stricken and insert an underscored semicolon after the last parenthesis mark; and in line 8 strike "same", show as stricken, and insert "it".

LEGISLATIVE BILL 975. Placed on Select File as amended.
E & R amendments to LB 975:
AM5318

1. On page 2, lines 10 and 11, strike the new matter and insert ". The Cities Airport Authorities Act".
2. On page 3, line 17, strike "a term", show

as stricken, and insert "terms".

3. On page 4, line 16, strike "a" and show as stricken; in line 17 strike "term", show as stricken, and insert "terms"; and in line 19 after "by" insert "appointment by".

4. On page 5, lines 5 and 6, strike the new matter and insert "the Cities Airport Authorities Act,".

LEGISLATIVE BILL 858. Placed on Select File.
LEGISLATIVE BILL 957. Placed on Select File.

LEGISLATIVE BILL 893. Placed on Select File as amended.
E & R amendments to LB 893:
AM5330

1. On page 1, line 2, strike the last comma; in line 3 strike "81-502.03," and insert "to"; in line 4 strike "and" and after the last comma insert "and 81-551,"; in line 12 after "provide" insert "for"; and in line 13 after "authorize" insert "and change provisions relating to".

2. On page 10, line 13, strike "establish rules", show as stricken, and insert "adopt and promulgate rules and regulations".

3. On page 11, lines 4 and 5, strike the comma and show as stricken; and in line 20 after "establishment" insert "or installation".

4. On page 12, line 5, strike "therein, or the replacement of", show as stricken, and insert "in any public building or to replace".

5. On page 13, line 5, strike beginning with "81-542" through "81-15,127", show the old matter as stricken, and insert "the Nebraska Natural Gas Pipeline Safety Act of 1969, the Petroleum Products and Hazardous Substances Storage and Handling Act,"; in line 10 strike "(2)" and show as stricken and strike the paragraphing; in line 11 strike "the", show as stricken, and insert "such", strike "imposed by" and show as stricken, and strike "the"; and strike beginning with "sections" in line 12 through "section" in line 13 and show the old matter as stricken.

6. On page 14, line 5, strike "(3)" and show as stricken and strike the paragraphing; in line 8 after "carry" insert "such duties" and after "effect" insert an underscored period; strike beginning with "the" in

line 8 through line 10 and show the old matter as stricken; in line 11 strike "(4)", show as stricken, and insert "(2)"; in line 12 after "and" insert "each"; and in line 25 strike "81-542 to 81-550", show as stricken, and insert "the Nebraska Natural Gas Pipeline Safety Act of 1969".

7. On page 16, line 22, after "adopted" insert "and promulgated".

8. On page 20, line 12, strike the comma and show as stricken.

9. On page 21, lines 5 and 15, strike "state" and show as stricken; in line 8 after "them" insert an underscored comma; and in line 22 strike the comma and show as stricken.

10. On page 24, line 25, strike "shall fail", show as stricken, and insert "fails".

11. Insert the following new sections:

"Sec. 7. That section 81-502.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-502.04. The enforcement of rules and regulations adopted and promulgated by the State Fire Marshal under ~~the provisions of~~ section 81-502 shall be as follows:

(1) Any order of the State Fire Marshal under the authority granted to him or her by section 81-502 shall be in writing addressed to the owner or person in charge of the premises affected ~~thereby~~ by such order;

(2) If within ten days from the receipt of such order the person or organization affected ~~thereby~~ by such order does not appeal ~~therefrom~~ from the order as provided in this section the order shall become final;

(3) If the affected party or organization does not comply with the final order, the State Fire Marshal shall apply to the district court of the county in which the premises are located to obtain court enforcement of the order. The county attorney of the county in which the action is brought shall represent the State Fire Marshal and the action shall be brought in the name of the State of Nebraska and be tried the same as any action in equity;

(4) If the affected party or organization feels that the order of the State Fire Marshal is not

necessary for the safety and welfare of the persons using or to use the premises regarding which the order is made, the owner may appeal from such order in the manner provided for in ~~sections 81-501.01 to 81-541~~ section 81-502.03;

(5) If the district court determines that the rule or regulation from which the appeal has been perfected is necessary for the protection, health, and welfare of persons using or proposing to use the structure, it shall affirm the order appealed from; and

(6) If the district court determines that the rule or regulation from which the appeal has been perfected is not necessary for the protection, health, and welfare of persons using or to use the premises, it may set aside the order or may modify the same.

Sec. 17. That section 81-551, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-551. The duties and powers of the State Fire Marshal~~,~~ and of his or her deputies~~,~~ and assistants prescribed in sections 81-509 to 81-523, 81-526, 81-527, and 81-531 to ~~81-541~~ 81-538 and the Petroleum Products and Hazardous Substances Storage and Handling Act shall not be applicable to the ~~provisions of this act~~ Nebraska Natural Gas Pipeline Safety Act of 1969.".

12. On page 25, line 22, strike ", 81-502.03," and insert "to"; and in line 23 strike "and" and after the last comma insert "and 81-551,".

13. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 838. Placed on Select File as amended.
E & R amendments to LB 838:
AM5323

1. On page 1, line 4, strike "and"; and in line 5 after "fund" insert "; and to require a report".

2. On page 2, line 2, strike the comma; and in line 16 strike "of" and insert "to".

3. On page 3, line 7, after "museum" insert "(1)"; in line 8 strike "were" and insert "have been"; and in line 10 after "and" insert "(2)".

4. On page 5, line 1, after "copy" insert "of such report".

LEGISLATIVE BILL 853. Placed on Select File as amended.
E & R amendment to LB 853:
AM5324

1. On page 1, line 4, after the semicolon insert "to eliminate certain provisions relating to limitations on appropriations;".

LEGISLATIVE BILL 854. Placed on Select File as amended.
E & R amendment to LB 854:
AM5325

1. On page 1, line 3, strike "deposit" and insert "disposition".

LEGISLATIVE BILL 854A. Placed on Select File.

LEGISLATIVE BILL 962. Placed on Select File as amended.
E & R amendment to LB 962:
AM5326

1. On page 1, line 4, strike "powers" and insert "for the appointment of a board or commission as prescribed".

LEGISLATIVE BILL 993. Placed on Select File as amended.
E & R amendments to LB 993:
AM5327

1. On page 1, line 1, strike "banks and banking" and insert "building and loan associations".
2. On page 3, line 1, after "30" insert an underscored period and strike beginning with "provided" in line 1 through the period in line 2 and show as stricken.

LEGISLATIVE BILL 994. Placed on Select File as amended.
E & R amendments to LB 994:
AM5321

1. On page 1, strike beginning with "to" in line 3 through line 4 and insert "to expand the definitions of certain terms to include the Federal Deposit Insurance Corporation as prescribed; and to repeal the original section.".
2. On page 2, line 12, strike "whose", show as stricken, and insert "the" and after "deposits" insert "of which"; in line 23 strike the comma and show as stricken and after "if" insert an underscored comma;

in line 24 after "insolvency" insert an underscored comma; and in line 25 strike the comma and show as stricken.

LEGISLATIVE BILL 995. Placed on Select File as amended.
E & R amendment to LB 995:
AM5328

1. On page 2, lines 21 and 22, strike "subsections (3) and (4)" and insert "subsection (3)".

LEGISLATIVE BILL 996. Placed on Select File as amended.
E & R amendment to LB 996:
AM5329

1. On page 1, line 5, after "dividends" insert "and withdrawals; to define a term".

(Signed) Scott Moore, Chairperson

VISITORS

Visitors to the Chamber were Senator Peterson's daughter, Sandy; Pam Ruff and Ann Kauk; a group of Nebraska PTA members; Marge Heese from Erling, Iowa; 30 students from Wayne State College; Ron Books from North Platte and Fiona Vanderhoven from Australia; 50 fourth grade students and sponsor from Saratoga School, Lincoln; 6 members of the Youth Advisory Council from Henderson and Bradshaw; and Michael McCabe and Philip Schutte.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. L. Johnson, the Legislature adjourned until 9:00 a.m., Thursday, February 11, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 11, 1988

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 11, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Father David W. LaPlante from St. Phillip Neri, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Withem, and Mrs. Pirsch who were excused; and Messrs. Chambers, Haberman, Hannibal, McFarland, Schmit, Warner, Mesdames Higgins, Labedz, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fourth Day was approved.

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 1158. Placed on General File.

LEGISLATIVE BILL 963. Placed on General File as amended.
Standing Committee amendments to LB 963:
AM1978
1 1. Insert the following new section:

"Section 1. That section 2-2309, Revised Statutes Supplement, 1986, be amended to read as follows:

2-2309. It is hereby declared to be the public policy of the State of Nebraska to protect and foster the health, prosperity, and general welfare of its people by protecting and stabilizing the wheat industry and the economy of the areas producing wheat. The Nebraska Wheat Development, Utilization, and Marketing Board shall be the agency of the State of Nebraska for such purpose. In connection with and in furtherance of such purpose, such board shall have the power to:

(1) Formulate the general policies and programs of the State of Nebraska respecting the discovery, promotion, and development of markets and industries for the utilization of wheat grown within the State of Nebraska;

(2) Adopt and devise a program of education and publicity;

(3) Cooperate with local, state, or national organizations, whether public or private, in carrying out the purposes of the Nebraska Wheat Resources Act and to enter into such contracts as may be necessary;

(4) Adopt and promulgate such rules and regulations as are necessary to promptly and effectively enforce the Nebraska Wheat Resources Act. The rules and regulations shall include provisions which prescribe the procedure for adjustment of the excise tax by the board pursuant to section 2-2311;

(5) Conduct, in addition to the things enumerated, any other program for the development, utilization, and marketing of wheat grown in the State of Nebraska. Such programs may include a program to make grants and enter into contracts for research, accumulation of data, and construction of ethanol production facilities;

(6) Make refunds for overpayments of the excise tax according to rules and regulations adopted and promulgated by the board; and

(7) Employ personnel and contract for services which are necessary for the proper operation of the program.".

2. On page 2, line 6, strike "ten mills",

show the old matter as stricken, and insert "one cent"; and strike the new matter in lines 8 through 14.

3. On page 3, line 5, strike "maximum mills", show the old matter as stricken, and insert "amount"; in line 7 after "original" insert "section 2-2309, Revised Statutes Supplement, 1986, and"; and in line 8 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1067. Placed on General File as amended.
Standing Committee amendment to LB 1067:
AM1979

1. On page 2, line 10, strike "such"; in line 11 strike "other security as the commission may approve in", show the old matter as stricken, and insert "United States bonds, treasury notes, or other public debt obligations of the United States, which are unconditionally guaranteed as to both principal and interest by the United States, in a sum equal at their par value to"; and in line 18 after "shall" insert "be of such kind and in such form as shall be approved by the commission and shall".

(Signed) Rod Johnson, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 766A. Introduced by Barrett, 39th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 766, Ninetieth Legislature, Second Session, 1988; and to declare an emergency.

ANNOUNCEMENT

Speaker Barrett announced a meeting of the Legislature's Committee Chairpersons will be held on Thursday, February 18, 1988 at 8:30 a.m. in Room 1517.

ATTORNEY GENERAL'S OPINION

Opinion No. 88007

DATE: February 10, 1988

SUBJECT: Constitutionality of LB 350, an Act to Regulate the Shipping or Mailing of Prescription Drugs into the State of Nebraska

REQUESTED BY: Senator Chris Abboud
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Dale A. Comer, Assistant Attorney General

You have requested our opinion as to the constitutionality of certain portions of LB 350, the Mail Service Prescription Drug Act. Specifically, you question whether §2(1)(c) of the Act, which provides that a person operating outside the State of Nebraska may not mail or deliver prescription drugs into the state unless that person is operating in a state in which the requirements and qualifications for obtaining and maintaining a pharmacy license are substantially equivalent to those of Nebraska, is constitutional under the Commerce Clause of the United States Constitution. We have reviewed the applicable law in light of the question which you raised, and it is our view that §2(1)(c) is pre-empted by the existing Federal law in this area, and therefore unconstitutional under the Federal constitutional provision which you cited.

This opinion is the third in a series of opinions which this office has produced in connection with several various bills attempting to regulate the interstate sale of prescription drugs through the mail. In our opinion number 57, dated April 9, 1985, we considered the constitutionality of LB 578 which provided that pharmacies operating outside of the State of Nebraska which sold or mailed prescription drugs into the state must hold a pharmacy license issued by the Nebraska Department of Health and must comply with Nebraska law, rules and regulations governing the practice of pharmacy. We determined that LB 578 was unconstitutional under the Commerce Clause of the United States Constitution because the state's regulatory interest in policing mail order drug sales was not great enough to justify the burden which the bill would place on interstate commerce, particularly given the extensive system of Federal statutes governing the same industry. In our opinion number 86016, dated February 14, 1986, we considered the constitutionality of a version of LB 578 which would have required all out-of-state

pharmacies dispensing prescription drugs into the state to hold a pharmacy permit issued by the Department of Health in Nebraska, but which would have exempted any out-of-state pharmacies holding a pharmacy permit in the state where they were located if the requirements and qualifications for such permit were substantially equivalent to those contained in specific portions of the Nebraska statutes. In that opinion, we questioned the propriety of attempting to police another state to assure that an applicant for a permit complied with Nebraska law based upon the notion that each state's sovereign power ends at its boundaries. We suggested that the exemption proposed for LB 578 become the general rule; that is, all out-of-state pharmacies dispensing prescription drugs into the state should hold a pharmacy permit from the state in which the pharmacy is located.

LB 350, the current attempt to regulate the delivery of prescription drugs in Nebraska by out-of-state pharmacies, provides that no person operating outside the State of Nebraska shall mail or in any manner deliver dispensed prescription drugs into the state unless such person: a. is licensed as a pharmacist in the United States, b. has filed with the Department of Health evidence of a pharmacy license or permit issued by and valid in the state in which the person is located and from which such prescription drugs will be shipped, c. is located and operating in a state in which the requirements and qualifications for obtaining and maintaining a pharmacy license or permit are considered by the Department of Health, with the approval of the Board of Examiners in Pharmacy, to be substantially equivalent to the requirements imposed upon Nebraska pharmacists under the pertinent statutes, and d. has designated the Secretary of State as his agent for service of process in Nebraska. You are concerned with section c requiring substantially equivalent qualifications for obtaining a pharmacy license.

As we pointed out in our 1985 opinion, LB 350 involves an attempt by the State of Nebraska to regulate a form of interstate commerce since it would apply to pharmacies outside the state which ship or otherwise deliver dispensed prescription drugs into the state. Any attempt to regulate interstate commerce by a state must be tested under the Commerce Clause of the United States Constitution. The Commerce Clause gives the United States Congress full plenary power to regulate interstate commerce, and therefore, Federal statutes passed by Congress and Federal administrative rules and regulations passed under proper authority from Congress are capable of pre-empting any state legislation or regulation of the same subject. In Re Rules and Regulations Nos. 31 and 32, 193 Neb. 59, 225 N.W.2d 401 (1975); 81A C.J.S. States §24. Consequently, the

threshold question in the present case concerns whether there is any Federal legislation which has pre-empted any portion of LB 350.

As we noted in our previous opinions, Congress passed the Drug Abuse Prevention and Control Act, 21 U.S.C. §§801 et seq., in 1970. The various provisions of that Act comprehensively regulate the distribution and dispensing of controlled substances in interstate commerce throughout the United States. Section 903 of the Act, 21 U.S.C. §903, states:

> No provision of this subchapter shall be construed as indicating an intent on the part of Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any State law on the subject matter which would otherwise be within the authority of the State, unless there is a positive conflict between that provision of this subchapter and that State law so that the two cannot consistently stand together.

As a result, under §903 of the Act, the Federal legislation would not pre-empt LB 350 unless provisions of that bill and the Federal statute are in positive conflict.

LB 350 requires a person delivering dispensed prescription drugs into the State of Nebraska to be licensed as a pharmacist in the United States, and further provides that the person holding the pharmacy license or permit must operate in a state where the requirements and qualifications for obtaining the license or permit are substantially equivalent to those of Nebraska. Under the provisions of the bill, it is therefore possible that a person holding a pharmacy license in a particular state would not be allowed to dispense prescription drugs into the State of Nebraska if there was a determination that the requirements for obtaining a pharmacy license in the particular state were not substantially equivalent to those in Nebraska.

In contrast to LB 350, §802(21) of the Federal Act, 21 U.S.C. §802(21), defines the term "practitioner" (which includes a pharmacist along with physicians, dentists, and so forth) to include persons licensed, registered or otherwise permitted by the jurisdiction in which they practice to distribute or administer a controlled substance in the course of professional practice. Moreover, in the duly enacted regulations concerning the Federal Act established by the United States Department of Justice, the term "pharmacist" means: "Any pharmacist licensed by a State to dispense controlled substances, and shall include any other person (e.g. a pharmacist intern) authorized by a State to dispense controlled substances under the supervision of a pharmacist licensed by such State." The Federal statutes and regulations allow pharmacists to fill prescriptions and otherwise dispense prescription drugs.

As a result, the Federal statutes and regulations require only that an individual be licensed or permitted to dispense prescription drugs in a given jurisdiction or a state so as to be entitled to do so under Federal law. In contrast, LB 350 would require out-of-state pharmacists dispensing drugs into Nebraska by mail to not only have a pharmacy license from another state, but also to be licensed in a state with requirements substantially identical to those of Nebraska. This latter state standard is more stringent than that established by the Federal statute and regulations. It appears to us to be in direct conflict with those portions of the Federal law which allow anyone holding a pharmacy license to dispense prescription drugs. Moreover, our Supreme Court has indicated that no state law can hinder or obstruct the free use of a license granted under an act of Congress. ATS Mobile Telephone, Inc. v. General Communications Co., Inc., 204 Neb. 141, 282 N.W.2d 16 (1979). Therefore, it appears that §2(1)(c) of LB 350 which you questioned in your opinion request letter is pre-empted by the existing Federal statutes in this area. The state may properly require a pharmacist dispensing prescription drugs into the state by mail to possess a pharmacy license from another state. It may not impose additional, more stringent requirements concerning the nature of that pharmacy license itself.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

5-35-2

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

MESSAGES FROM THE GOVERNOR

February 10, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 117, 191 and 790 were received in my office on February 8, 1988.

These bills were signed by me on February 10, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

February 10, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 170, 273, 273A, 630, 670, 674, 676 and 802 were received in my office on February 5, 1988.

These bills were signed by me on February 10, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

February 9, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Health, requiring legislative confirmation.

Appointee: Dr. Lawrence G. Lefler, 1325 N. Park Ave., Fremont, NE 68025, work: 721-7171

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

REPORT

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of January, 1988 from the Department of Roads in compliance with section 66-476, R.S. Supp. 1980.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 278.

GENERAL FILE

LEGISLATIVE BILL 519. Title read. Considered.

Standing Committee amendment, AM0734, found in the Journal on page 1281 for the Forty-Ninth Day, First Session, 1987, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

The Pappas pending amendment, AM0221, found in the Journal on page 708, First Session, 1987, was withdrawn.

Advanced to E & R for Review with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 593. Title read. Considered.

Mr. Elmer offered the following amendment:

On line 3 after the word "system" add, "Provided, such city or village demonstrates in a public hearing before the Public Service Commission a definite public need for such public owned, operated or leased Cable television system."

The Elmer amendment was adopted with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 9 nays, and 30 not voting.

Ms. Scofield asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud 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 moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Lamb requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Barrett	Dierks	Johnson, R.	Landis	Morehead
Bernard-Stevens	Elmer	Johnson, V.	Lynch	Peterson
Chambers	Goodrich	Korshoj	Marsh	Schellpeper
Conway	Haberman	Lamb	Miller	Wehrbein
	Higgins			

Voting in the negative, 17:

Abboud	Hall	Johnson, L.	Nelson	Smith
Ashford	Hartnett	Labedz	Remmers	Weihing
Beyer	Hefner	Moore	Rogers	Wesely
Chizek	Johanns			

Present and not voting, 4:

Campbell	Coordsen	Langford	McFarland

Excused and not voting, 7:

Baack	Pirsch	Scofield	Warner	Withem
Hannibal	Schmit			

Failed to advance to E & R for Review with 21 ayes, 17 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 1233 Monday, February 22, 1988 1:30 p.m.

(Signed) R. W. Remmers, Chairperson

Revenue

LB 1207 Wednesday, February 17, 1988 (rehearing) 1:30 p.m.

(Signed) Vard R. Johnson, Chairperson

Appropriations

LB 1041 Friday, February 19, 1988 1:30 p.m.

(This hearing on LB 1041 is only for the purpose of officially holding a hearing pursuant to Rule 3, Section 13. Hearings on specific items contained in the bill were previously held January 26 -- February 5, 1988)

(Signed) Lowell Johnson, Vice 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, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Bachmann, James Robert - Kearney, Kearney State College, Student Senate

Collins, David W. - Lincoln (Withdrawn 88/02/08), Associated Builders and Contractors/Cornhusker Chapter (Withdrawn 88/02/08)

DeCamp Legal Services, P.C.
DeCamp, John W. - Lincoln, Municipal Bond Underwriters

Eastlund, Jennifer S. - Kearney, Kearney State College, Student Senate
Scarpello, Sam M. - Omaha, Omaha Building Trades Council
Shultz, Jack L. - Lincoln, Motorcycle Industry Council, Inc.
Tussing, Constance Jean - Lincoln, Nebraska Dental Hygienists' Association

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 975 in the Journal. No objections. So ordered.

AM1971

1. Insert the following new section:

"Sec. 2. That section 3-616, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-616. All income, revenue, receipts, profits, and money of an authority from whatever source derived shall be paid to the ~~county treasurer as ex officio~~ treasurer of the authority who shall not commingle such money with any other money under his or her control. Such money shall be deposited in a separate bank account or accounts and shall be withdrawn only by check or draft signed by such treasurer on requisition of the ~~chairman~~ chairperson of the authority or of such other person or persons as the authority may authorize to make such requisitions, approved by the board. The chief auditing officer of the county and his or her legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of such authority, including its receipts, disbursements, contracts, leases, sinking funds, investments, and any other matters relating to its financial standing. Notwithstanding the provisions of this section, such authority may contract with the holders of any of its bonds as to collection, custody, securing, investment, and payment of any money of the authority, or any money held in trust or otherwise for the payment of bonds, or in any way to secure bonds, and to carry out any such contract notwithstanding that such contract may be inconsistent with the previous provisions of this section. All banks and trust companies are hereby authorized to give security for

such deposits of money of authorities as shall be required by law to secure the deposit of funds of counties.".

2. On page 6, line 5, strike "section 3-502" and insert "sections 3-502 and 3-616"; and in line 6 strike "is" and insert "are".

3. Renumber remaining section accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 352 in the Journal. No objections. So ordered.

AM1989

1. Insert the following new sections:

"Sec. 18. That section 15-1202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1202. ~~(1)~~ The party appealing shall within thirty days from the date of the order or decision complained of:

~~(a)~~ (1) File a notice of appeal with the city clerk specifying the parties taking the appeal and the order or decision appealed from~~;~~ and shall serve a copy of the notice upon the city attorney. The notice of appeal shall serve as a praecipe for a transcript;

~~(b)~~ (2) Deposit with the city clerk a docket fee in the amount of the filing fee in district court for cases originally commenced in district court;

~~(c)~~ (3) Deposit with the city clerk a cash bond or undertaking with at least one good and sufficient surety approved by the city clerk, in the amount of two hundred dollars, on condition that the appellant will satisfy any judgment and costs that may be adjudged against him or her; and

~~(d)~~ (4) Deposit with the city clerk the fees for the preparation of a certified and complete transcript of the proceedings of the city relating to the order or decision appealed.

~~(2) Satisfaction of the requirements of subdivision (1)(a) of this section shall perfect the appeal and give the district court jurisdiction of the matter appealed.~~

Sec. 19. That section 15-1203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1203. ~~Upon perfection of the appeal, the~~ The city clerk, on payment to him or her of the costs of the transcript, ~~and the docket fee,~~ shall transmit within fifteen days to the clerk of the district court the docket fee and a certified and complete transcript of the proceedings of the city relating to the order or decision appealed. After receipt of such fee and transcript, ~~whereupon~~ the clerk of the district court shall docket the appeal.

Sec. 20. That section 15-1204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1204. The party appealing shall file a petition within thirty days from the date the ~~appeal is perfected~~ transcript is filed in the district court. Satisfaction of the requirements of section 15-1202 and this section shall perfect the appeal and give the district court jurisdiction of the matter appealed.".

2. On page 249, line 15, after the third comma insert "15-1202 to 15-1204,".

3. Renumber the remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 352 in the Journal. No objections. So ordered.

AM1972

1. Insert the following new sections:

"Sec. 22. That section 24-541.04, Revised Statutes Supplement, 1986, be amended to read as follows:

24-541.04. (1) Upon perfection of the appeal, the clerk of the county court shall transmit within ten days to the clerk of the district court a certified copy of the transcript and the docket fee, whereupon the clerk of the district court shall docket the appeal. ~~Any~~ A copy of any bond or undertaking shall be transmitted to the clerk of the district court within ten days of filing.

(2) The Supreme Court shall, by rule, specify the method of ordering the transcript and the form and content of the transcript.

Sec. 23. That section 24-541.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

24-541.06. (1) In all cases other than appeals from the Small Claims Court, the district court shall review the case for error appearing on the record made in the county court or on the record made, if prior to July 1, 1985, in the municipal court. The district court shall render a judgment which may affirm, affirm but modify, or reverse the judgment or final order of the county court or the judgment or final order, if entered prior to July 1, 1985, of the municipal court. If the district court reverses, it may enter judgment in accordance with its findings or remand the case to the county court for further proceedings consistent with the judgment of the district court. Within two judicial days after the decision of the district court becomes final, the clerk of the district court shall issue a mandate in appeals from the county court and transmit the mandate in appeals to the clerk of the county court on the form prescribed by the Supreme Court together with a copy of such decision.

(2) The bill of exceptions, if filed with the clerk at or before the hearing, shall be considered admitted in evidence on the hearing of the appeal unless the court on objection by a party shall exclude all or part of it.

(3) In all cases other than appeals from the county court sitting as a juvenile court, appeals in adoption proceedings, and appeals under the Nebraska Probate Code, the judgment of the district court shall vacate the judgment in the county court or the judgment, if entered prior to July 1, 1985, of the municipal court. The taxation of costs in the district court shall include the costs in the county court. If a judgment of the county or such municipal court is affirmed or affirmed but modified, interest on the amount of the judgment in the district court that does not exceed the amount of the judgment in the county or such municipal court shall run from the date of the judgment appealed from the county or such municipal court.

(4) In all appeals from the county court sitting as a juvenile court, appeals in adoption proceedings, and appeals under the Nebraska Probate Code, the judgment of the district court shall be

certified without cost to the county court for further proceedings consistent with the determination of the district court.".

2. On page 249, line 15, before "25-1937" insert "24-541.06,".

3. On page 250, line 17, before "44-10,107" insert "25-541.04,".

4. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 826. Placed on General File.

(Signed) R. W. Remmers, Chairperson

Revenue

LEGISLATIVE BILL 1162. Indefinitely postponed.
LEGISLATIVE BILL 1163. Indefinitely postponed.
LEGISLATIVE BILL 1175. Indefinitely postponed.
LEGISLATIVE BILL 1183. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 518. Title read. Considered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mrs. Johanns asked unanimous consent to be excused. No objections. So ordered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Ashford	Chizek	Hartnett	Lynch	Rogers
Bernard-Stevens	Conway	Higgins	Marsh	Schmit
Campbell	Dierks	Johnson, V.	McFarland	Smith
Chambers	Goodrich	Labedz	Miller	Wesely
	Hall	Landis	Morehead	

Voting in the negative, 19:

Barrett	Haberman	Johnson, R.	Nelson	Warner
Beyer	Hannibal	Korshoj	Peterson	Wehrbein
Coordsen	Hefner	Lamb	Remmers	Weihing
Elmer	Johnson, L.	Langford	Schellpeper	

Present and not voting, 2:

Abboud Moore

Excused and not voting, 5:

Baack	Johanns	Pirsch	Scofield	Withem

Failed to advance to E & R for Review with 23 ayes, 19 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 557 in the Journal. No objections. So ordered.

AM1984

(Amendment to AM1827)

1. On page 4, line 12, after "department" insert ". Such clinical experience shall consist of not less than nine hundred hours of a planned continuous experience in dietetic and nutrition services under the supervision of an individual meeting the qualifications of a certified nutritionist".

Mr. Hartnett asked unanimous consent to print the following amendment to LB 160 in the Journal. No objections. So ordered.

AM1991

(Amendments to Standing Committee amendments)

1. Insert the following new sections:

"Sec. 4. That section 79-1531, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1531. (1) For the purpose of providing the funds to be transferred from the School Employees' Savings Fund for formula annuities, every employee shall be required to make deposits in the School Employees' Savings Fund. Such deposits shall be a percentage of total compensation and shall be transmitted at the same time and in the same manner as required employer contributions. For each fiscal year, such percentage shall be determined by the retirement board upon recommendation of the actuary and shall be equal to forty-nine and seventy-five hundredths percent of the amount determined by deducting from the then actuarial present value of all future liabilities to be funded by transfers from the School Employer's Deposit Fund and the School Employees' Savings Fund the amount then credited to such funds and dividing the remainder by the actuarial present value of one percent of future compensation for current active members.

(2) For the purpose of providing the funds to be transferred from the School Employer's Deposit Fund for formula annuities, every employer shall be required to make deposits in the School Employer's Deposit Fund. Such deposits shall be one hundred one percent of the required contributions of the school employees of each employer and shall be transmitted to the retirement board at the same time and in the same manner as such required employee contributions. ~~Each member of the retirement system shall be required to make a deposit, or have a deposit made on his or her behalf, in the School Employees' Savings Fund equal to five and four-tenths percent of all compensation. All amounts deposited by or on behalf of any school employee shall be held for the benefit of the individual school employee in the School Employees' Savings Fund and shall be credited to his or her account in this fund for the purpose of providing an annuity or other benefit as provided in sections 79-1501 to 79-1557.~~

~~(2)~~ (3) The employer shall pick up the member contributions required by this section for all compensation paid on or after January 1, 1986, 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 employer 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 member until such time as they are distributed or made available. The employer shall pay these member contributions from the same source of funds which is used in paying earnings to the member. The employer shall pick up these contributions by a salary deduction either through a reduction in the cash salary of the member or a combination of a reduction in salary and offset against a future salary increase. Member contributions picked up shall be treated for all purposes of sections 79-1501 to 79-1565 in the same manner and to the same extent as member contributions made prior to the date picked up.

Sec. 5. That section 79-1533, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1533. Every employer shall deduct and withhold an amount from the compensation as a school employee of each member on each and every payroll period after such school employee becomes a member of the retirement system ~~five and four-tenths percent of such compensation of such member~~ pursuant to section 79-1531. The employer, through its proper agents, the city or county superintendent, or the secretary of the school board or board of education, shall transmit monthly, quarterly, or semiannually if the retirement board shall so direct a copy of such payroll, in such form as shall be approved by the retirement board, and a remittance payable to the order of the State Treasurer for all deductions from the compensation of members on such payroll. The remittances may be by draft, money order, check, or otherwise according to ~~the rule~~ rules and regulations adopted and promulgated by the retirement board. All such amounts due to the retirement board

shall bear interest at the rate of six percent per annum if the payment of the same is delayed more than thirty days after the time prescribed for payment. The proceeds of the interest charge shall be used to reimburse the account of each school employee, deprived of interest by the delay, with regular interest, and the balance shall be paid into the School Employees' Savings Fund. ~~of the retirement system.~~".

2. On page 8, line 17, strike "and" and after the last comma insert "79-1531, and 79-1533,".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 888. Placed on General File.
LEGISLATIVE BILL 912. Placed on General File.

LEGISLATIVE BILL 887. Placed on General File as amended.
Standing Committee amendments to LB 887:
AM1794

1. On page 2, line 5, strike "8" and insert "7".

2. On page 4, strike beginning with "The" in line 1 through the period in line 3 and insert "A victim of domestic abuse may file an affidavit with his or her application for a temporary restraining order alleging that his or her child under the age of eighteen years is in a situation dangerous to the life or limb or injurious to the health or morals of such child. Upon the filing of the affidavit, the court shall order that the matter described in the affidavit be referred to the county attorney of such county for further review. The county attorney shall immediately make a determination whether to file a juvenile court petition pursuant to the Nebraska Juvenile Code.

(4)"; in line 7 strike "(4)" and insert "(5)"; in line 12 strike "extended" and insert "modified"; and in line 17 strike "(5)" and insert "(6)".

3. On page 6, line 5, after the period insert "If any temporary restraining order is dismissed or modified by the court, the clerk of the court shall provide the local police department and the local

sheriff's office, without charge, one copy each of the order of dismissal or modification.".

4. Strike original section 8.

5. Renumber the remaining section accordingly.

LEGISLATIVE BILL 750. Indefinitely postponed.
LEGISLATIVE BILL 906. Indefinitely postponed.
LEGISLATIVE BILL 907. Indefinitely postponed.
LEGISLATIVE BILL 918. Indefinitely postponed.
LEGISLATIVE BILL 924. Indefinitely postponed.
LEGISLATIVE BILL 954. Indefinitely postponed.
LEGISLATIVE BILL 991. Indefinitely postponed.
LEGISLATIVE BILL 1049. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor appointments and claims against the state.

Health and Human Services
Dr. J. C. Marcum
L. E. Voss
Robert F. Shapiro, M.D.
Dr. Lawrence G. Lefler

Revenue
Alan D. Dillman

Government, Military and Veterans Affairs
C.C. 132
C.C. 135
C.C. 148
C.C. 045
C.C. 051/052

Health and Human Services
C.C. 191
C.C. 001
C.C. 031
C.C. 048

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

AM1999

1. Strike original sections 1 and 7 and insert the following new sections:

"Sec. 6. That section 77-1368, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1368. The Tax Commissioner shall adopt and promulgate the agricultural land valuation manual in accordance with the procedures set forth in the Administrative Procedure Act.

The Department of Revenue shall update the information used in the agricultural land valuation manual annually. Commencing January 1, 1987, a new statewide agricultural land valuation manual shall be prepared and adopted by the Tax Commissioner when the commissioner determines that the actual value of all agricultural land and horticultural land in any crop reporting district exceeds one hundred five percent or is less than ninety-five percent of the actual value of all such land as determined using the most recently adopted and promulgated version of the agricultural land valuation manual.

When a new agricultural land valuation manual is prepared and a change in valuations is proposed, the Tax Commissioner shall hold a series of four statewide hearings to explain the information used to calculate the new values and consider any proposed corrections in the method of valuation. Such hearings shall be held at locations convenient to the county assessors and residents of each crop reporting district or land manual area. One of such hearings shall be designated an official meeting of the Agricultural Land Valuation Advisory Board. The Tax Commissioner shall notify each county assessor and county board of equalization of the time and place of such hearing and provide a copy of the

proposed land valuation manual to each county assessor at least thirty days prior to the hearing and shall publish notice of such hearing in a newspaper of general circulation in each county at least ten days prior to the hearing on the manual in which such county's proposed agricultural land values will be considered.

Sec. 7. That section 77-1504, Revised Statutes Supplement, 1987, be amended to read as follows:

77-1504. The county board of equalization shall fairly and impartially equalize the valuation of real and personal property in the county, except agricultural land and horticultural land as defined in section 77-1359, so that all real and personal property is assessed uniformly and proportionately. The county board of equalization may consider and correct the assessment of any tract, lot, or parcel of real property or the assessment of any or all items of personal property by raising, after due notice has been given to the owner or agent at his or her last-known address, or by lowering the assessment of such property. No action shall be taken by the county board of equalization pursuant to this section before April 1 nor after May 31 of each year.

For agricultural land or horticultural land, as defined in section 77-1359, the county board of equalization shall have the authority to make the following corrections:

(1) Descriptions of ownership;

(2) Land-use categorization;

(3) Assignment of soil classification, when such soil classification is at variance with the classification issued by the Tax Commissioner; and

(4) Such other adjustments as are provided for in the Nebraska Land Valuation Manual developed under section 77-1362.

Sec. 8. That section 77-1506.02, Revised Statutes Supplement, 1987, be amended to read as follows:

77-1506.02. Upon the completion of the equalization of individual assessments of real or personal property pursuant to sections 77-1502 and 77-1504, the county board of equalization may increase or decrease by a percentage the valuation of all of a

class or subclass of property, as defined by the Tax Commissioner, except agricultural land or horticultural land as defined in section 77-1359. Any adjustment made pursuant to this section shall be made to achieve the uniform and proportionate valuation of the classes or subclasses within the county. Notice shall be given by publication in a newspaper of general circulation within the county. Such notice shall be given at least ten days before the final action of the county board of equalization is taken. Nonresident owners of real property affected by such action shall be notified by mail of any changes in the valuation, if the nonresident owner has an address of record on file with the county assessor as of January 1 of each year. No action shall be taken by the county board of equalization pursuant to this section after June 15 of each year. ~~Upon completion of equalization of assessments of individual parcels of lands and improvements and of assessments of personal property of individuals, pursuant to sections 77-1502 and 77-1504, the county board of equalization shall have authority to raise or lower by percentage the valuation of all of a class or all of a subclass, as defined by the Tax Commissioner by rule and regulation, of property within the county if public notice shall be given by publication in a newspaper of general circulation within the county stating the intention of the board. Such notice shall be given ten days before final action is taken by the board in regard to such matters. Nonresidents of the county in which such real estate is situated shall be notified by mail of increases in valuation if such nonresident owners shall have an address of record on file with the county assessor as of January 1 annually. No action shall be taken by the county board of equalization pursuant to this section after June 15 of each year.~~

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. On page 4, lines 15 to 19, strike the new matter and insert "The Legislature finds that the effect of Amendment 4 of 1984 to Article VIII, section 1, of the Constitution of Nebraska is to permit the Legislature to adopt a valuation method which values agricultural land and horticultural land in a nonuniform

manner relative to other classes of property.".

3. On page 6, lines 2 to 6, strike the new matter and insert "The income calculations used in the method may reflect income from federal crop support program payments when the Tax Commissioner determines that the use of such program payments and adjustments would significantly alter the values derived from calculations based on the current valuation formula.".

4. On page 7, line 2, strike ", unless such land is certified,", show as stricken, and insert "as certified"; in line 3 strike "each", show as stricken, and insert "the assessment"; strike beginning with the comma in line 4 through "land" in line 6, show as stricken, and insert ". Land "; in line 9 after "Act" insert "shall be defined as agricultural land or horticultural land"; and in lines 9 to 11 strike the new matter and insert "Land enrolled in a federal or state program in which payments are received for removing such land from agricultural or horticultural production shall be defined as agricultural land or horticultural land.".

5. On page 10, lines 5 to 8, strike the new matter and insert "Land enrolled in a federal or state program in which payments are received for removing such land from agricultural or horticultural production shall be classified according to its use in the assessment year prior to its enrollment in such program."; strike beginning with "In" in line 10 through "county" in line 11 and insert "County"; and in line 12 after "classifications" insert "as converted into land valuation groups".

6. On page 11, lines 7 and 14; and on page 12, lines 3, 13, and 23, after "selected" insert "and applied".

7. On page 13, line 23, strike "and" and after the last comma insert "and 77-1368,"; in line 24 strike "77-508.01,"; and in line 25 strike "and 77-1503.01" and insert "77-1504, and 77-1506.02".

8. On page 14, strike beginning with "and" in line 2 through the last comma in line 3.

9. Renumber the remaining sections accordingly.

MOTION - Place LB 1049 on General File

Mr. McFarland moved to place LB 1049 on General File notwithstanding the action by the Judiciary Committee.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 162. Title read. Considered.

Mr. Abboud withdrew his pending amendment, AM1798, found in the Journal on page 572.

Mr. Abboud offered the following amendment:
AM1797

1. On page 2, line 6, after "persons" insert "and not more than two hundred thousand persons in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court. In each county of this state having a population of at least two hundred thousand persons"; in line 8 reinstate the stricken matter and strike "two"; and in line 9 strike "judges".

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

The Abboud amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Bernard-Stevens offered the following amendment:
AM1918

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. The Legislature shall, with the cooperation of the Supreme Court, conduct a study of the use of judicial time in the separate juvenile court system. Such study shall include, but not be limited to, an investigation of:

(1) The caseload of each separate juvenile court judge;

(2) The number of days and hours worked by each separate juvenile court juvenile; and

(3) The number of cases on the docket of each separate juvenile court and the average length of time

needed to dispose of each case.

The study shall include a one-year period commencing July 1, 1988, and ending June 30, 1989. A copy of any report completed pursuant to this section shall be filed with the Clerk of the Legislature.".

Mesdames Nelson and Labedz asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 1032. Placed on General File.

LEGISLATIVE BILL 1019. Placed on General File as amended.
Standing Committee amendment to LB 1019:
AM1973

1. Strike the original section and insert the following new section:

"Section 1. Whenever any person who is thirteen years of age or older and younger than nineteen years of age is convicted or adjudicated of a violation of section 28-416 or sections 53-180.01 to 53-180.05, the court in which the person is convicted or adjudicated shall, as part of such person's punishment, issue an order suspending such person's driving privileges for ninety days for the first such offense and for one year for the second or subsequent offense. If the person so convicted or adjudicated has a motor vehicle operator's license or permit issued pursuant to section 60-407, such license or permit shall be suspended for the time period prescribed in this section. If the person so convicted does not have such a license or permit, his or her eligibility for such license or permit shall be suspended for the time period prescribed in this section. The court shall notify the Department of Motor Vehicles of any such suspension within twenty-four hours of the issuance of the order. Any license or permit suspended pursuant to this section may be reinstated in the manner prescribed in section 60-505.02 for reinstatement of a suspended license or registration.".

(Signed) Howard Lamb, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 279. Introduced by Hefner, 19th District.

WHEREAS, the President signed into law the Asbestos Hazard Emergency Response Act of 1986 (AHERA); and

WHEREAS, the Environmental Protection Agency on October 30, 1987, issued 40 CFR Part 763 Subpart E, entitled Asbestos-Containing Materials in Schools; Proposed Rule and Model Accreditation Plan; Rule; and

WHEREAS, these regulations require local education agencies to inspect every school building for the presence of friable and nonfriable asbestos and file a management plan for every school building, even if asbestos free, by October 12, 1988; and

WHEREAS, inspectors and management planners must be accredited in accordance with AHERA standards and the number and availability of such accredited personnel is limited; and

WHEREAS, the costs for these inspections and management plans could not be anticipated and properly planned for in the 1987-88 budget and cannot be reasonably completed within the first six weeks of the 1988-89 budget year; and

WHEREAS, the deadline for conducting the inspections and submitting management plans may be impossible to meet, and the fine for missing a deadline is five thousand dollars per day for each school; and

WHEREAS, the costs associated with compliance of this federal mandate places financial strain on school district budgets.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the deadlines be extended to a reasonable date.

2. That the Legislature encourages Congress to provide adequate funding to meet the additional costs incurred by schools when attempting to comply with the asbestos regulations.

3. That copies of this resolution be sent to the Nebraska Congressional delegation.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Governor Appointments Thursday, February 18, 1988 1:30 p.m.
Marilyn Wartig - Rural Health Manpower Board
Dr. Lawrence G. Lefler - State Board of Health
Thomas Tonniges, M.D. - Child Abuse Prevention Fund

Governor Appointments Friday, February 19, 1988 1:30 p.m.
Foster Care Review Board
Jo Lamb
Burrell Williams
Mabel Yvonne Johnson
Carmen Gottschalk
State Board of Health
Dr. J. C. Marcum

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 316 in the Journal. No objections. So ordered.

AM1982
1. On page 3, line 15, after "student" insert "if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault the school employee or student".

BILL ON FIRST READING

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

LEGISLATIVE BILL 1234. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4101, 77-4103, 77-4104, 77-4105, and 77-4107, Revised Statutes Supplement, 1987; to define and redefine terms; to change a provision relating to the application for incentives as prescribed; to provide limitations on credits allowed and benefits received as prescribed; to change a provision relating to the

computation of a credit; to change a provision relating to the effect of failing to meet required investment and employment levels; to harmonize provisions; to provide duties; to provide an operative date; and to repeal the original sections.

VISITORS

Visitors to the Chamber were Chris Rosenberg from North Platte; Roger Sheffield from Kearney; Richard Sirek from Pierce; Linda Frye from Gothenburg; Senator Campbell's husband, Floyd Campbell; 17 seniors, teacher, and sponsors from Sacred Heart School, Falls City; Roy Steinheider; Bill Koch and daughter, Laurie from Eustis; Phil Fredrickson and Mike McGinn from North Bend; Tony Cherry from Bellevue; Yvonne Deyle from Kearney; Don Rathman from Grand Island; Jim Nelson from Norfolk; Jim Campbell from Stanton; Betty Thiel from Lincoln; and Bob Stoffer from Davenport.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Ashford, the Legislature adjourned until 9:00 a.m., Tuesday, February 16, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 16, 1988

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 16, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Father James Dawson, Vicar General of the Catholic Chancery Office.

ROLL CALL

The roll was called and all members were present except Mr. R. Johnson who was excused; and Messrs. Ashford, Baack, Chambers, Chizek, Conway, Hannibal, Hartnett, V. Johnson, Lynch, McFarland, Remmers, Schmit, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fifth Day was approved.

ANNOUNCEMENT

Mr. Haberman designates LB 972 as his priority bill.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 519. Placed on Select File as amended.
E & R amendments to LB 519:

AM5333

1. Because of the amendment of section 48-816 by Laws 1987, LB 524, section 2, and Laws 1987, LB 661, section 26, strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. That section 48-816, Revised Statutes Supplement, 1987, be amended to read as follows:

48-816. (1) After a petition has been filed under section 48-811, the clerk shall immediately notify the commission, which shall promptly take such preliminary proceedings as may be necessary to insure a prompt hearing and speedy adjudication of the industrial dispute. The commission shall have power and authority upon its own initiative or upon request of a party to the dispute to make such temporary findings and orders as may be necessary to preserve and protect the status of the parties, property, and public interest involved, pending final determination of the issues. In the event of an industrial dispute between an employer and an employee or a labor organization when such employer and employee or labor organization have failed or refused to bargain in good faith concerning the matters in dispute, the commission may order such bargaining to begin or resume, as the case may be, and may make any such order or orders as may be appropriate to govern the situation pending such bargaining. The commission shall require good faith bargaining concerning the terms and conditions of employment of its employees by any employer. The commission shall require the parties to an industrial dispute to submit to mediation or factfinding upon request of either party and shall appoint mediators or factfinders for such purpose. Such orders for bargaining, mediation, or factfinding may be issued at any time during the pendency of an action to resolve an industrial dispute. To bargain in good faith shall mean the performance of the mutual obligation of the employer and the labor organization to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment or any question arising thereunder and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a

proposal or require the making of a concession.

(2) Except as provided in the State Employees Collective Bargaining Act, 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 the Industrial Relations Act and to negotiate and enter into written agreements with such employee organizations in determining such terms and conditions of employment.

(3)(a) Except as provided in ~~subdivision~~ subdivisions (b) and (c) of this subsection, a supervisor shall not be included in a single bargaining unit with any other employee who is not a supervisor.

(b) All firefighters and police officers employed in the fire department or police department of any municipal corporation in a position or classification subordinate to the chief of the department and his or her immediate assistant or assistants holding authority subordinate only to the chief shall be presumed to have a community of interest and may be included in a single negotiating unit represented by an employee organization for the purposes of the Industrial Relations Act. Public employers shall be required to recognize an ~~employee's~~ employees negotiating unit composed of firefighters and police officers holding positions or classifications subordinate to the chief of the fire department or police department and his or her immediate assistant or assistants holding authority subordinate only to the chief when such negotiating unit is designated or elected by employees in the unit.

(c) Sergeants, corporals, and patrol officers employed by the Nebraska State Patrol as authorized in section 81-2004 shall be presumed to have a community of interest and may be included in a single bargaining unit represented by an employee organization for purposes of the act. The state shall be required to recognize an employees bargaining unit composed of sergeants, corporals, and patrol officers employed by the Nebraska State Patrol when such bargaining unit is designated or elected by employees in the unit.

(4) When an employee organization has been

certified as an exclusive collective-bargaining agent or recognized pursuant to any other provisions of the Industrial Relations 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 such 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.

(5) Upon receipt by an employer of a request from a labor organization to bargain on behalf of employees, the duty to engage in good faith bargaining shall arise if the labor organization has been certified by the commission or recognized by the employer as the exclusive bargaining representative for the employees in that bargaining unit.

(6) The commission shall have the authority (a) to make studies and analyses of and act as a clearinghouse of information relating to conditions of employment of public employees throughout the state, (b) to request from any government, and such governments are authorized to provide, such assistance, services, and data as will enable it properly to carry out its functions and powers, (c) to conduct studies of problems involved in representation and negotiation, including, but not limited to, those subjects which are for determination solely by the appropriate legislative body, and make recommendations from time to time for legislation based upon the results of such studies, (d) to make available to employee organizations, governments, mediators, factfinding boards and joint study committees established by governments, and employee organizations statistical data relating to wages, benefits, and employment practices in public and private employment applicable to various localities and occupations to assist them to resolve complex issues in negotiations, and (e) to establish, after consulting representatives of employee organizations and administrators of public services, panels of qualified persons broadly representative of the public to be available to serve as mediators or members of factfinding boards.

(7)(a) Except for those cases arising under section 48-818, the commission shall be required to make findings of facts in all cases in which one of the parties to the dispute requests findings. Such request shall be specific as to the issues on which the party wishes the commission to make findings of fact.

(b) In cases arising under section 48-818, findings of fact shall not be required of the commission unless both parties to the dispute stipulate to the request and to the specific issues on which findings of fact are to be made.

(c) If findings of fact are requested under subdivision (a) or (b) of this subsection, the commission may require the parties making the request to submit proposed findings of fact to the commission on the issues on which findings of facts are requested.

(d) In cases arising under section 48-818, the commission shall issue a recommended decision and order, which decision and order shall become final within ten days of entry unless either party to the dispute files with the commission a request for a posttrial conference. If such a request is filed, the commission shall hold a posttrial conference within ten days of receipt of such request and shall issue an order within ten days after holding such posttrial conference, which order shall become the final order in the case. The purpose of such posttrial conference shall be to allow the commission to hear from the parties on those portions of the recommended decision and order which is not based upon or which mischaracterizes evidence in the record and to allow the commission to correct any such errors after having heard the matter in a conference setting in which all parties are represented.".

2. On page 1, line 2; and page 8, line 5, strike "1986" and insert "1987".

(Signed) Scott Moore, Chairperson

ANNOUNCEMENT

Mrs. Morehead announced an executive session of the General Affairs Committee for Wednesday, February 17, 1988 at 7:15 a.m. in Room 1019.

GENERAL FILE

LEGISLATIVE BILL 864. Title read. Considered.

Standing Committee amendments, AM1801, found in the Journal on page 587 for the Sixteenth Day were adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 868. 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 868A. 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.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 942. Placed on General File as amended.
Standing Committee amendments to LB 942:
AM2009

1. On page 4, strike lines 23 to 25 and insert the following new subdivision:

"(c) All administrators employed by a Class V school district shall be presumed to have a community of interest and may join a single negotiating unit composed otherwise of teachers and other certificated employees for purposes of the Industrial Relations Act, except that the following administrators shall be exempt: The superintendent, associate superintendent, assistant superintendent, secretary and assistant secretary of the board of education, executive director, administrators in charge of the offices of state and federal relations and research, chief negotiator, and administrators in the immediate office of the superintendent. A Class V school district shall recognize an employees' bargaining unit composed of teachers and other certificated employees and administrators, except the exempt

administrators, when such negotiating unit is formed by the employees as provided in section 48-838 and may recognize such a bargaining unit as provided in subsection (2) of this section. In addition, all administrators employed by a Class V school district, except the exempt administrators, may form a separate bargaining unit represented either by the same bargaining agent for all collective-bargaining purposes as the teachers and other certificated employees or by another collective-bargaining agent of such administrators' choice. If a separate bargaining unit is formed by election as provided in section 48-838, a Class V school district shall recognize the bargaining unit and its agent for all purposes of collective bargaining. Such separate bargaining unit may also be recognized by a Class V school district as provided in subsection (2) of this section.".

2. On page 5, strike lines 1 to 25.

3. On page 6, strike lines 1 to 16.

LEGISLATIVE BILL 1130. Placed on General File as amended.
Standing Committee amendments to LB 1130:
AM2010

1. Insert the following new section:

"Sec. 2. That section 48-1230, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1230. Except as otherwise provided in this section, each employer shall pay all wages due its employees on regular days designated by the employer or agreed upon by the employer and employee. Thirty days' written notice shall be given to an employee before regular paydays are altered by an employer. An employer may deduct, withhold, or divert a portion of an employee's wages only when the employer is required to or may do so by state or federal law or by order of a court of competent jurisdiction or the employer has written agreement with the employee to deduct, withhold, or divert. Whenever an employer, other than a political subdivision, separates an employee from the payroll, the unpaid wages shall become due on the next regular payday or within two weeks of the date of termination, whichever is sooner. Whenever a political subdivision separates an employee from the payroll, the unpaid wages

shall become due within two weeks of the next regularly scheduled meeting of the governing body of the political subdivision if such employee is separated from the payroll at least one week prior to such meeting. When an employee of a political subdivision is separated from the payroll less than one week prior to the next regularly scheduled meeting of the governing body of the political subdivision, unpaid wages shall be due within two weeks of the following regularly scheduled meeting of the governing body of the political subdivision.".

2. On page 2, line 22, strike "section 48-1229" and insert "section 48-1229 and 48-1230"; and in line 23 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Nelson asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

AM2007

1. On page 3, line 19, after the last comma insert "and"; in line 20 strike "and career education"; in line 23 strike "each" and insert "a"; and in line 25 after the period insert "If a student is enrolled in multiple vocational education programs, the student shall be counted once for purposes of allocation.".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 1234.

LB	Committee
1234	Revenue

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING

Education

Governor Appointments Tuesday, March 15, 1988 1:00 p.m.
Nebraska Safety Center Advisory Council
Lt. Col. James A. Pearson
Kevin F. Knapple
Jack L. Swanson
Stephen P. Finn
Harold Sobotka
Gene D. Siefford
Dallas W. Watkins
Gary L. Hirst
Kenneth L. Sieckmeyer

(Signed) Ron Withem, Chairperson

GENERAL FILE

LEGISLATIVE BILL 88. The pending Smith amendment found in the Journal on page 757 was renewed.

Mr. Hall offered the following amendment to the pending Smith amendment:
Strike the new language on Pg. 3 line 24 "when death is imminent and" and insert on Pg. 4 line 2 the word "imminent" before the word "death"

Mr. Landis 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 Hall amendment was adopted with 21 ayes, 0 nays, 23 present and not voting, and 5 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

The Smith amendment, as amended, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Hall offered the following amendment:
to amend LB 88, Sec. (7), subsection (3), page 7, line 7, after "not" insert "affect the responsibility of the attending physician or other

health care provider to provide treatment, including nutrition and hydration, for a patient's comfort care or alleviation of pain."
strike the remaining language in subsection (3).

Mr. Hall withdrew his pending amendment.

Mr. Ashford offered the following amendment:
on Pg. 7 line 7 strike "action" and insert "treatment" and after the word "physician" on line 8 add "or other health care provider"

The Ashford amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Hall offered the following amendment:
To amend LB 88
on page 12 line 9 strike "IV" and insert "I"
on page 12 line 12 strike "IV" and insert "I"
on page 12 line 18 strike "IV" and insert "I"
on page 12 line 22 strike "II" and insert "I"
on page 13 line 2 strike "II" and insert "I"
on page 13 line 6 strike "II" and insert "I"

Mr. Landis requested a division of the question on the Hall amendment.

The Chair sustained the division of the question.

The first Hall amendment is as follows:
on page 12 line 18 strike "IV" and insert "I"
on page 12 line 22 strike "II" and insert "I"
on page 13 line 2 strike "II" and insert "I"
on page 13 line 6 strike "II" and insert "I"

Mr. Ashford offered the following amendment to the first pending Hall amendment:
Sec. 16 (4) -
strike Class 1 misdemeanor and insert Class IV felony

The Ashford amendment was adopted with 21 ayes, 0 nays, 24 present and not voting, and 4 excused and not voting.

Mr. Lamb moved to bracket LB 88 until March 1, 1988.

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.

The Lamb motion to bracket lost with 13 ayes, 18 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Landis asked unanimous consent to withdraw his request for the division of the question. No objections. So ordered.

The Hall pending amendment, as amended, was renewed as follows:
To amend LB 88
on page 12 line 9 strike "IV" and insert "I"
on page 12 line 12 strike "IV" and insert "I"
on page 12 line 18 strike "IV" and insert "I"
on page 12 line 22 strike "II" and insert "I"
on page 13 line 2 strike "II" and insert "I"
on page 13 line 6 strike "II" and insert "I"

Mrs. Morehead 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 Hall amendment, as amended, was adopted with 31 ayes, 0 nays, 15 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 966A. Introduced by Scofield, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 966, Ninetieth Legislature, Second Session, 1988.

NOTICE OF COMMITTEE HEARING
Revenue

LB 1234	Wednesday, February 24, 1988	1:30 p.m.

(Signed) Vard R. Johnson, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1220. Placed on General File as amended.
Standing Committee amendments to LB 1220:
AM1992

1. On page 10, strike beginning with "No" in line 12 through "(ii)" in line 15, show as stricken, and insert "(A)"; and in line 24 strike "(iii)", show as stricken, and insert "(B)".

2. On page 11, line 6, strike "(iv)", show as stricken, and insert "(C)"; and in line 13 strike the period, show as stricken, and insert "; or

(ii) The mortgage bonds, debentures, or other evidences of indebtedness shall be determined to be of investment grade, as of the date of purchase, as indicated by a yes rating issued by the Securities Valuation Office of the National Association of Insurance Commissioners, or as investment grade by Moody's Investor Services, Inc. or Standard and Poor's Corporation.

(iii) Notwithstanding subdivisions 6(b)(i) and 6(b)(ii) of this section, no company shall, except with the written consent of the Director of Insurance, invest in any one issue of such obligations an amount in excess of five percent of its assets.".

(Signed) R. W. Remmers, Chairperson

Transportation

LEGISLATIVE BILL 1007. Placed on General File as amended.
Standing Committee amendments to LB 1007:
AM1995

1. Strike original section 2 and insert the following new section:

"Sec. 2. That section 60-426, Revised Statutes Supplement, 1986, be amended to read as follows:

60-426. The director ~~is authorized to~~ may suspend or revoke the license of any resident of this state: (1) Upon receiving a certified copy of the judgment of the conviction of such person in another

state of an offense ~~therein~~ in such state which, if committed in this state, would be grounds for the suspension or revocation of the license of such operator by any trial judge or magistrate in this state; (2) who has violated a promise to comply with the terms of a traffic citation issued by a law enforcement officer for a moving violation in any jurisdiction outside this state pursuant to the Nonresident Violator Compact until satisfactory evidence of compliance with the terms of the citation has been furnished to the director; ~~or~~ (3) who has violated a promise to comply with the terms of a traffic citation issued on or after July 1, 1986, by a law enforcement officer for a moving violation in any jurisdiction inside this state until satisfactory evidence of compliance with the terms of the citation has been furnished to the director; or (4) who has failed to comply with any judgment or order of a court relating to a traffic citation for a moving violation. The court having jurisdiction over the offense for which the citation has been issued shall notify the director of a violation of a promise to comply with the terms of the citation ~~only after twenty~~ within five working days ~~have elapsed~~ from the date of the failure to comply.

Upon notice to the director that a resident has violated a promise to comply with the terms of a traffic citation as provided in this section, the director shall not suspend or revoke such resident's license until he or she has sent written notice to such resident by registered or certified mail to the resident's last-known address. Such notice shall state that such resident has twenty working days from the date of the notice to show the director that the resident has complied with the terms of such traffic citation. No suspension or revocation shall be entered by the director if the resident complies with the terms of a citation during such twenty working days.

Upon the expiration of any license revocation ordered pursuant to this section, a resident may have his or her license reinstated upon payment of a fee of fifty dollars. The fees paid pursuant to this section shall be deposited in the Department of Motor Vehicles Cash Fund.".

2. On page 2, line 5; and page 4, line 7, strike the new matter.

3. On page 4, line 6, insert a period after "60-430.06".
4. On page 5, line 24, after "original" insert "section 60-426, Revised Statutes Supplement, 1986, and"; and in line 25 strike "is" and insert "are".

LEGISLATIVE BILL 1128. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1962.)

(Signed) Howard Lamb, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 261. Placed on General File.

LEGISLATIVE BILL 922. Placed on General File.
LEGISLATIVE BILL 977. Placed on General File.
LEGISLATIVE BILL 1174. Placed on General File.

LEGISLATIVE BILL 1143. Placed on General File as amended. Standing Committee amendment to LB 1143:
AM2014
1. On page 8, line 19, after the comma insert "the Department of Aeronautics,".

LEGISLATIVE BILL 867. Indefinitely postponed.
LEGISLATIVE BILL 985. Indefinitely postponed.
LEGISLATIVE BILL 1080. Indefinitely postponed.
LEGISLATIVE BILL 1088. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1100 in the Journal. No objections. So ordered.

AM2023
1. Insert the following new section:
"Sec. 77. That section 71-519, Revised Statutes Supplement, 1987, be amended to read as follows:
71-519. All infants born in the State of

Nebraska shall be screened for phenylketonuria, primary hypothyroidism, biotinidase deficiency, and such other metabolic diseases as the Department of Health may from time to time specify. Confirmatory tests shall be performed in the event that a presumptive positive result on the screening test is obtained.

The attending physician shall collect or cause to be collected the prescribed specimen or specimens and shall submit or cause to be submitted the same to a laboratory for the performance of such tests within the period prescribed by the ~~Department of Health~~ department. In the event a birth is not attended by a physician, the person registering the birth shall cause such tests to be performed within the period prescribed by the department. The laboratory shall within the period prescribed by the department perform such tests as are prescribed by the department on the specimen or specimens submitted and report the results of these tests to the physician, if any~~,~~ and the hospital. The laboratory shall report to the department the results of such tests that are presumptive positive or confirmed positive within the period and in the manner prescribed by the department. ~~, and the department.~~

The hospital shall record the collection of specimens for tests for metabolic diseases and the reporting of the results of such tests or the absence of such report. ~~In the event that the specimen was not collected or the report of the results of the tests was not obtained, the hospital shall notify the Department of Health within the period prescribed by the department.~~ The hospital shall report the results of such tests to the department within the period and in the manner prescribed by the department.

Dietary and therapeutic management of the infant with phenylketonuria, primary hypothyroidism, biotinidase deficiency, or such other metabolic diseases as the department ~~Department of Health~~ may from time to time specify shall be the responsibility of the child's parent, guardian, or custodian with the aid of a physician selected by such person.".

2. On page 148, line 2; page 149, line 22; page 151, lines 7 and 24 to 25; page 152, line 12; page 156, lines 18 to 19; page 157, lines 21 to 22; page 162, line 25; page 163, line 14; page 166, line 6; page 167,

lines 8 and 23; and page 168, lines 11 to 12, strike "96, 102, and 104" and insert "97, 103, and 105".

3. On page 152, line 3; page 155, line 16; and page 156, line 4, strike "104" and insert "105".

4. On page 157, line 25, strike "104" and insert "105 of this act".

5. On page 175, line 24, insert "71-519," before "71-1330".

6. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 88. Mr. McFarland moved to indefinitely postpone.

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. McFarland withdrew his pending motion to indefinitely postpone LB 88.

Mr. Wesely 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. Landis moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Hall requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Elmer	Johnson, V.	Morehead	Warner
Baack	Haberman	Landis	Nelson	Wehrbein
Barrett	Hannibal	Langford	Pirsch	Weihing
Bernard-Stevens	Johanns	Lynch	Scofield	Wesely
Coordsen	Johnson, L.	Marsh	Smith	Withem

Voting in the negative, 21:

Abboud	Campbell	Dierks	Hall	Hefner
Beyer	Chizek	Goodrich	Hartnett	Higgins

Korshoj	McFarland	Moore	Remmers	Schellpeper
Labedz	Miller	Peterson	Rogers	Schmit
Lamb				

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Conway Johnson, R.

Advanced to E & R for Review with 25 ayes, 21 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Room Change

Mr. Remmers asked unanimous consent to have the Banking, Commerce and Insurance Committee change their hearing room to meet in Room 1520 for Tuesday, February 16, 1988. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 602 in the Journal. No objections. So ordered.

AM1959

1. Insert the following new sections:

"Sec. 3. That section 23-3106, Revised Statutes Supplement, 1986, be amended to read as follows:

23-3106. The purchasing agent, under the supervision of the county board, or the county board if there is no purchasing agent shall purchase all personal property and services required by any office, officer, department, or agency of the county government in the county, subject to the County Purchasing Act. The purchasing agent or the county board if there is no purchasing agent shall draw up and enforce standard specifications which shall apply to all personal property purchased for the use of the county government,

shall have charge of all central storerooms operated or established by the county board, shall transfer personal property to or between the several county offices, officers, and departments, and shall sell personal property which is surplus, obsolete, or unused. All purchases of election ballots and election contractual services shall be made by the election commissioner or by the county clerk in counties without an election commission.

Sec. 4. That section 32-226, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-226. ~~The election commissioner shall purchase and provide all necessary ballot boxes, registration books, poll books, tally sheets, ballot blanks, stationery, and supplies of every description, and other necessary and proper equipment for the registration of voters, the conduct of elections, and for every incidental purpose connected therewith. He or she~~ The county shall provide all necessary election supplies, materials, and equipment for the registration of voters, for the conduct of elections, and for every incidental purposes connected with registration or elections in accordance with the County Purchasing Act. The election commissioner shall select and appoint the places of registration and the polling place for each district and cause the same to be fitted up, warmed, lighted, and cleaned. The election commissioner shall take whatever action is necessary to provide that individuals with physical mobility limitations shall have unobstructed access to the polling place and to at least one polling booth in each polling place. At least one polling booth shall be accessible to a person in a wheelchair. The election commissioner shall certify the number of precincts which will be used and the number which are accessible to all voters ninety days prior to each election. No ~~and (1) by August 1, 1978, not more than thirty percent of the polling places in a county shall be inaccessible, (2) at any election to be held in 1980, not more than fifteen percent of the polling places in the county shall be inaccessible, and (3) at any election to be held in 1984 and thereafter, no~~ polling place in the county shall be inaccessible to individuals with physical mobility limitations. A

waiver of the percentage requirements of this section may be granted upon the showing of the election official's good faith efforts to comply with ~~the provisions of~~ this section and may be granted only with the written approval of the Secretary of State. The Secretary of State shall, by rule or regulation, develop criteria or standards for good faith compliance and waivers. The Secretary of State may appoint an advisory committee of not less than three persons who shall meet at the request of the Secretary of State and provide advice in the development of waiver criteria and standards. The advisory committee shall consist of at least one architect and one disabled person and the members of the committee shall not receive any remuneration or expenses. An approved waiver shall be valid for only one election. Prior to a request for a waiver from the Secretary of State, the county clerk or election commissioner shall submit to the county board at a public meeting a list of all precincts needing a waiver. For the purposes of this section, election shall mean any primary, municipal, joint, or general election and shall include any school election. The polling place or places shall be located in the most public, orderly, and convenient place or places available therefor, and the expense thereof shall be a county charge. The expense of holding and conducting, separately, any city, municipality, metropolitan utilities district, school district, or other political subdivision election shall be charged to and paid by the city, municipality, metropolitan utilities district, school district, or other political subdivision holding the election. In the event that all or any two or more of the last-named elections are held jointly, then the election commissioner is hereby empowered to definitely fix and certify to each of such bodies joining in such joint election the portion of the total expense which each shall bear, and upon such certification the city, municipality, metropolitan utilities district, school district, or other political subdivision shall contribute and pay to the county treasurer the share so certified. The county board shall draw warrants in payment of the election expense.".

2. On page 3, line 14, after "original" insert "section 32-226, Reissue Revised Statutes of

Nebraska, 1943, and" and strike "and" and insert "to 23-3106,"; and in line 15 strike "23-3105,".

3. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 320 in the Journal. No objections. So ordered.

AM2025

1. On page 2, lines 23 through 25, strike the new matter and reinstate the stricken matter; and in line 24 after the reinstated "funds" insert "required prior to fiscal year 1988-89".

2. On page 3, strike beginning with "less" in line 1 through the period in line 3; and in line 7 strike "1986." and insert "1987-88. For any state funds provided in excess of the state funds provided during fiscal year 1987-88, not less than forty percent of the local contribution shall be provided by local and county taxes and the remainder shall come from other nonfederal sources.".

Mr. Lamb asked unanimous consent to print the following amendment to LB 845 in the Journal. No objections. So ordered.

Pg. 2, Line 4 after "mother" insert "grandfather, grandmother".
Add the Emergency Clause.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 973. Placed on General File.

LEGISLATIVE BILL 1135. Placed on General File as amended.
Standing Committee amendments to LB 1135:
AM1871

1. Insert the following new sections:

"Section 1. That section 16-230, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-230. A city of the first class by ordinance may require any and all lots or pieces of ground within the city or within two miles of the corporate limits of the city and outside of any

organized city or village to be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon. It may require the owner or occupant of all lots and pieces of ground within ~~the city~~ such areas to keep the ~~said~~ lots and pieces of ground~~,~~ and the adjoining streets and alleys ~~adjoining thereto,~~ free of weeds or other rank growth of vegetation and it may prohibit and control the throwing, depositing, or accumulation of litter on any lot or piece of ground within ~~the city~~ such areas. Upon the failure of the owner or occupant of such real estate to comply with the orders of the council in regard to draining, littering, filling, or removing weeds or other vegetation from ~~same~~ such real estate or the street or alley adjoining such real estate, the city council may, after five days' notice by publication and by certified mail, have such work done and ~~may~~ levy and assess the costs and expenses ~~thereof~~ of such work upon the property so benefited in the same manner as other special taxes for improvements are levied and assessed.

Sec. 2. That section 16-231, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-231. A city of the first class may prevent any person from bringing, depositing, having, or leaving upon or near his or her premises or elsewhere in the city~~,~~ or within two miles of the corporate limits of the city and outside of any organized city or village any carcass or putrid beef, pork, fish, hides, or skins of any kind~~,~~ or any unwholesome substance~~,~~ and may compel the removal of the same.

Sec. 3. That section 16-246, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-246. A city of the first class may make all such ordinances, bylaws, rules, regulations, and resolutions not inconsistent with the general laws of the state~~,~~ as may be necessary or expedient, in addition to the special powers otherwise granted by law, for maintaining the peace, good government, and welfare of the city and its trade, commerce, and manufactures, ~~and~~ for preserving order~~,~~ and securing persons or property from violence, danger, and destruction, for protecting public and private property, and for promoting the

public health, safety, convenience, comfort, and morals, and the general interests, and welfare of the inhabitants of the city. It ~~shall have power to~~ may impose fines, forfeitures, penalties, and imprisonment at hard labor for the violation of any ordinance; ~~, and to~~ provide for the recovery, collection, and enforcement ~~thereof~~ of such fines, forfeitures, or penalties; and, in default of payment, ~~to~~ provide for confinement in the city or county prison, workhouse, or other place of confinement with or without hard labor as may be provided by ordinance. The jurisdiction of the city to enforce such ordinances, bylaws, rules, regulations, and resolutions shall extend over the city and over all places within two miles of the corporate limits of the city and outside of any organized city or village.".

2. On page 2, line 24, strike "section" and insert "sections 16-230, 16-231, 16-246, and"; and in line 25 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 910. Indefinitely postponed.
LEGISLATIVE BILL 981. Indefinitely postponed.
LEGISLATIVE BILL 1211. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

VISITORS

Visitors to the Chamber were former Senator John Savage; Mike Guilliatt; 11 senior citizens from Eastmont Manor and former Sergeant at Arms Ray Wilson; 33 students and sponsor from Northeast Community College, Norfolk; and 9 fifth grade students and teacher from Benedict.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. V. Johnson, the Legislature adjourned until 9:00 a.m., Wednesday, February 17, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 17, 1988

LEGISLATIVE JOURNAL

TWENTY-SEVENTH DAY - FEBRUARY 17, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 17, 1988

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Sister Clare Sullivan, Marian Sister, Catholic Center of Waverly.

ROLL CALL

The roll was called and all members were present except Mr. R. Johnson who was excused; and Messrs. Abboud, Chambers, Conway, Hannibal, V. Johnson, Schmit, Withem, Mesdames Labedz, Morehead, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Sixth Day was approved.

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE BILL 949. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2049.)

(Signed) Patricia S. Morehead, Chairperson

ANNOUNCEMENT

Mr. Hartnett designates LB 160 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Elmer asked unanimous consent to print the following amendment to LB 477 in the Journal. No objections. So ordered.

On line 1, page 2, after "Section 1." insert the words "The register of deeds in any county of eighty thousand inhabitants or more shall, and the register of deeds in any other county, may, require that"

On line 2, page 2, strike the word "the" and insert the word "that" and strike the words "of the register of deeds"

RESOLUTION

LEGISLATIVE RESOLUTION 279. Read. Considered.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

LR 279 was adopted with 29 ayes, 0 nays, and 20 not voting.

MOTION - Introduce New Bills

Mr. Hall moved for the introduction of new bills by the Business and Labor Committee pursuant to Rule 5, Section 4(c), Req. 1940 and 1939.

The Hall motion prevailed with 30 ayes, 1 nay, 9 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 1235. Introduced by Business and Labor Committee: Hall, 7th District, Chairperson; Coordsen, 32nd District; Hefner, 19th District; Johanns, 27th District; Korshoj, 16th District; Labedz, 5th District.

A BILL FOR AN ACT relating to claims against the state; to make appropriations for the payment of certain claims against the state; to

provide how payments shall be made; to authorize certain write-offs as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1236. Introduced by Business and Labor Committee: Hall, 7th District, Chairperson; Coordsen, 32nd District; Hefner, 19th District; Johanns, 27th District; Korshoj, 16th District; Labedz, 5th District.

A BILL FOR AN ACT relating to claims against the state; to disapprove such claims.

GENERAL FILE

LEGISLATIVE BILL 103. Title read. Considered.

Standing Committee amendments, AM1665, found in the Journal on page 354 for the Eighth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

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. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Dierks requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Bernard-Stevens	Dierks	Johnson, L.	Remmers	Smith
Campbell	Elmer	Landis	Rogers	Weihing
Chizek	Goodrich	Moore	Schmit	Wesely
Conway	Hannibal	Nelson	Scofield	Withem
	Hartnett	Peterson		

Voting in the negative, 19:

Abboud	Beyer	Haberman	Johnson, V.	Langford
Ashford	Chambers	Hall	Korshoj	Marsh
Baack	Coordsen	Hefner	Lamb	Miller

Morehead	Pirsch	Warner	Wehrbein

Present and not voting, 4:

Johanns	Lynch	McFarland	Schellpeper

Excused and not voting, 4:

Barrett	Higgins	Johnson, R.	Labedz

Failed to advance to E & R for Review with 22 ayes, 19 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hall asked unanimous consent to have his name added as co-introducer to LB 931. No objections. So ordered.

MOTION - Withdraw LB 1071

Mr. Chizek moved to withdraw LB 1071.

Laid over.

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 849. Placed on General File as amended.
Standing Committee amendments to LB 849:
AM2008

1. Strike the original sections and insert the following new sections:

"Section 1. As used in this act, unless the context otherwise requires:

(1) Install shall mean to put in place, affix, fabricate, laminate, apply, or temper a sunscreening product or material on a motor vehicle;

(2) Installer shall mean a person who sells or installs a sunscreening product or material for or on a motor vehicle incorporating the capacity to affect the light transmission or luminous reflectance of motor vehicle windows;

(3) Light transmission shall mean the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the sunscreening product or material, including glazing, to the amount of total light falling on the product or material and the glazing; and

(4) Luminous reflectance shall mean the ratio of the amount of total light, expressed in percentages, which is reflected outward by the sunscreening product or material to the amount of total light falling on the product or material.

Sec. 2. No person shall sell or install any sunscreening product or material upon the windshield or side or rear windows of any motor vehicle if such product or material (1) reduces the driver's clear view through the windshield or side or rear windows of a motor vehicle or (2) substantially impairs the ability to see into a motor vehicle, except:

(a) Front-side-wing vents and side or rear windows may have visors or other shade devices which are not attached to the window with glazing material, which are easily moved aside or removable, which are normally used by a vehicle operator during daylight hours, and which do not impair the driver's field of vision;

(b) Front side windows of a motor vehicle may be installed or have a sunscreening product or material applied in conjunction with a glazing compound, which have luminous reflectance of not more than thirty-five percent or light transmission of not less than thirty-five percent;

(c) A sunscreening product or material may be installed on the windshield above the AS1 line if it is not red, yellow, or amber in color, except a clear transparent ultraviolet sunscreening product or material may be installed over the entire windshield. No sunscreening product or material, except a clear, transparent sunscreening product or material, shall be installed below the AS1 of the windshield line on any motor vehicle;

(d) A sunscreening product or material which has light transmission of not less than twenty percent or luminous reflectance not greater than thirty-five percent may be installed on the rear or side windows behind the driver's seat;

(e) Motor vehicles with original sunscreening equipment installed by the motor vehicle manufacturer or a licensed motor vehicle dealer, which equipment is in compliance with standards set by the United States Department of Transportation in 49 CFR 571.205; or

(f) Motor vehicle windows may have certificates or stickers affixed as allowed by section 36-6,136.

This section shall not apply to the rear window of the cab of a pickup truck.

Sec. 3. On and after January 1, 1989, all installers doing business in Nebraska shall be required annually to obtain a permit from the Department of Motor Vehicles. On the application for such permit, the installer shall certify that the motor vehicle sunscreening product or material complies with the standards prescribed in section 2 of this act and that the installation will comply with such section. The fee for such permit shall be twenty-five dollars annually. Money collected by the department for such permits shall be used to defray the cost of the permit program, and any balance shall be deposited in the General Fund.

If the department determines that any sunscreening product or material or the installation of such product or material does not comply with the standards required by this act, the department shall, upon thirty days notice to such permitholder, revoke the permit until such time as the standards required pursuant to this act have been complied with. Such permitholder may request a hearing pursuant to the Administrative Procedure Act.

Sec. 4. Whenever an installer holding a permit required pursuant to section 3 of this act installs a sunscreening product or material to the window of a motor vehicle, he or she shall permanently affix a label authorized by the Department of Motor Vehicles to the window of the vehicle which indicates that the sunscreening product or material complies with the standards for luminous reflectance or light transmission prescribed in section 2 of this act. The label shall be affixed to the lower rear quadrant of the front side window beside the driver's seat of the vehicle so that it will be clearly visible to anyone approaching the vehicle from the driver's side.

Sec. 5. (1) Any person owning or operating a motor vehicle in violation of section 2 of this act on and after the effective date of this act and prior to January 1, 1989, shall be issued a warning citation and, on and after January 1, 1989, shall be guilty of a Class V misdemeanor.

(2) Any person who violates any provision of sections 2 to 4 of this act or the rules and regulations adopted and promulgated thereunder shall be guilty of a Class III misdemeanor.

Sec. 6. The Department of Motor Vehicles shall adopt and promulgate rules and regulations necessary to carry out this act.

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.".

(Signed) Howard Lamb, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 280. Introduced by Coordsen, 32nd District; Morehead, 30th District.

WHEREAS, the risk of flooding is always a constant threat, and in the past several years it has been a real and specific threat to the residents of DeWitt, Nebraska, and the surrounding area; and

WHEREAS, flood control structures are needed in the Swan Creek Watershed Project to protect the area's residents and their property from the dangers and destruction of severe flooding; and

WHEREAS, if flood control structures would be completed on the Swan Creek Watershed Project, such structures would not only protect residents in the DeWitt area, but would also protect residents who live along the Big Blue River; and

WHEREAS, the State of Nebraska is unable to provide state funds for the Swan Creek Watershed Project because appropriation of a specific amount of money for the construction of improvements to be owned by a political subdivision within the State of Nebraska, financed by state funds, constitutes a local and special act which clearly violates Article III, section 18, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby requests and urges that the United States Congress specifically appropriate $600,000 for fiscal year 1989 and $687,000 for fiscal year 1990 for the Swan Creek Watershed Project for the construction of flood control structures to prevent the dangers and destruction of severe flooding for the residents of the DeWitt area and for the residents who live along the Big Blue River.

2. The Legislature also requests and urges that the United States Congress increase federal funding for all unfinished Nebraska watershed projects to protect residents of the State of Nebraska from the dangers and destruction of severe flooding.

3. That the Clerk of the Legislature mail a copy of this resolution to all of the representatives to Congress and United States Senators from Nebraska, Senator John C. Stennis, Congressional Representative Jamie L. Whitten, Secretary of Agriculture Richard Lyng, Galen Bridge, Herman H. Calhoun, and Ron E. Hendricks.

Laid over.

LEGISLATIVE RESOLUTION 281. Introduced by Higgins, 9th District.

WHEREAS, Phil Kruse for the past nine and one-half years has been a mechanical consultant to the Task Force for Building Renewal; and

WHEREAS, prior to his service to the Task Force for Building Renewal he spent over forty-one and one-half years with the University of Nebraska Physical Plant Boiler Division; and

WHEREAS, his dedicated service, knowledge, and expertise have benefited the State of Nebraska in general and the University of Nebraska and the Task Force for Building Renewal in particular; and

WHEREAS, over fifty years of dedicated service to the State of Nebraska is deserving of recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the dedicated service, knowledge, and expertise Phil Kruse has contributed to the State of Nebraska.

2. That a copy of this resolution be presented to Phil Kruse as a token of the appreciation of the members of the Legislature.

Laid over.

LEGISLATIVE RESOLUTION 282. Introduced by Landis, 46th District.

WHEREAS, the Home Builders Association of Lincoln Remodelors Council is an organization dedicated to improving the quality and affordability of the remodeling industry; and

WHEREAS, the members of the Home Builders Association of Lincoln Remodelors Council believe their paramount responsibility is to the consuming public, their community, their state, and their country; and

WHEREAS, in cooperation with Neighborhood Housing Services of Lincoln and Malone Community Neighborhood volunteers, the Home Builders Association of Lincoln Remodelors Council renovated a vacant, deteriorated home in an effort to revitalize one of Lincoln's oldest neighborhoods; and

WHEREAS, the National Association of Home Builders Remodelors Council has awarded the Home Builders Association of Lincoln Remodelors Council the "Council Award for Demonstrating Remodelors' Excellence" for community service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their appreciation to the Home Builders of Lincoln Remodelors Council for their service to the community and congratulations for achieving national recognition.

2. That a copy of this resolution be mailed to the Home Builders Association of Lincoln Remodelors Council by the Clerk of the Legislature.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 383A in the Journal. No objections. So ordered.

AM2032

1. Strike the original section and all amendments thereto and insert the following new section:

"Section 1. There is hereby appropriated (1) $56,000 from federal funds for the period July 1, 1988, to June 30, 1989, and (2) $56,000 from federal funds for the period July 1, 1989, to June 30, 1990, to the

Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 383, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $49,562 for the period July 1, 1988, to June 30, 1989, nor $51,544 for the period July 1, 1989, to June 30, 1990.".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 838 in the Journal. No objections. So ordered.

AM2034

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby created an Antique Farm Machinery and Equipment Commission, which shall consist of seven members, six to be appointed by the Governor as follows:

(1) One member shall be an agricultural engineer from an educational institution in this state;

(2) One member shall be actively involved in economic development or tourism;

(3) One member shall be knowledgeable in Nebraska history and historic preservation;

(4) One member shall be between the ages of sixteen and twenty-one years, be actively involved in agriculture, and have an interest in the future of agriculture; and

(5) Two members shall be persons who have an interest in preserving antique farm equipment. The appointments shall be made to provide to the extent possible equal representation to the eastern, central, and western portions of the state.

The Manager of the State Board of Agriculture shall serve as the seventh member of the commission.

In making the initial appointments to the commission, the Governor shall appoint two members for terms of three years, two members for terms of four years, and two members for terms of five years. As each term expires, the Governor shall appoint or reappoint a member of the commission for a term of five years to succeed the member whose term has expired. The Governor

shall fill any vacancy by appointment for the unexpired term from the same category from which the vacancy occurred.

All members shall serve without compensation for any services rendered to the commission but shall be reimbursed for actual and necessary expenses incurred in the discharge of duties of the commission as provided in sections 81-1174 to 81-1177 for state employees.

Sec. 2. The purpose of the Antique Farm Machinery and Equipment Commission is to encourage the creation of a museum and such sites and facilities as are needed (1) to preserve and exhibit antique farm machinery and equipment of the types that have been used by Nebraskans through the years and which made Nebraska an efficient producer of farm products and (2) to promote tourism. The commission shall work with the Department of Economic Development, the various chambers of commerce, and other interested parties in order to increase awareness of the history of agriculture in this state and the importance of changes in farm equipment and machinery in making the fertile prairie productive.

Sec. 3. The members of the Antique Farm Machinery and Equipment Commission shall immediately, after their appointment, meet and organize. The Manager of the State Board of Agriculture shall serve as the chairperson of the commission. The commission shall elect one of its members secretary, one as treasurer, and any other officers as may be necessary. The treasurer shall give bond in such amount as the commission may fix.

Sec. 4. The antique farm machinery and equipment museum shall initially be located at the state fairgrounds in Lincoln, Lancaster County, Nebraska. The Antique Farm Machinery and Equipment Commission may recommend a site to the executive board of the State Board of Agriculture but the final determination of the location of such site within the state fairgrounds shall be by a majority vote of the executive board of the State Board of Agriculture. The commission may establish additional sites for temporary or permanent exhibition of antique machinery and farm equipment based upon available funds, the expression of interest and support in the area, and such other factors which indicate the feasibility of an additional site for such

exhibition.

Sec. 5. The commission shall have the power to adopt and promulgate rules and regulations for its own guidance and for the running of the museum pursuant to the purposes of this act. The commission shall be responsible for the establishment, administration, and maintenance of the museum and may accept gifts, grants, and bequests for such purposes. The commission shall have the power to establish a policy to determine the nature of the collection and may establish criteria for acceptance of donations for exhibit and for disposal of items which do not serve its needs. It shall have the power to employ any and all personnel necessary for the operation of the museum.

Sec. 6. Any gifts, grants, bequests, or other funds received by the Antique Farm Machinery and Equipment Commission shall be deposited with the State Board of Agriculture Cash Fund and shall be separately accounted for in such account.

Sec. 7. The commission shall, on or before July 1 of each year, make a report to the Governor showing all money received and expended and its activities in the operation and supervision of the museum. The commission shall file a copy of such report with the Clerk of the Legislature.".

Mr. Goodrich asked unanimous consent to print the following amendment to LB 551 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2039.)

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 375.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 375

The following changes, required to be reported for publication in the Journal, have been made:
ER0240

1. In the Schmit amendment, AM1826, adopted February 10, 1988:

a. Sections 10 to 12 have been renumbered as sections 11 to 13, respectively;

b. On page 7, line 7, "and" has been struck, shown as stricken, and an underscored comma inserted; and in line 12 "or affirmation" has been inserted after "oath";

c. On page 11, line 17, "government" has been struck and "governmental" inserted;

d. On page 12, line 6, "to" has been struck and "as" inserted; in line 9 "the provisions of" has been struck; and in line 22 the last comma has been struck and shown as stricken;

e. On page 13, line 11, "and" has been inserted after the semicolon; in line 12 "(a)" has been inserted before "One"; in line 14 "(a)" has been struck, shown as stricken, and "(i)" inserted; in line 17 "(b)" has been struck, shown as stricken, and "(ii)" inserted; in line 20 "(c)" has been struck, shown as stricken, and "(iii)" inserted; in line 23 "; and" has been struck, shown as stricken, and an underscored period inserted; and in line 24 "(5)" has been struck and "(b)" inserted;

f. On page 14, line 1, "(a)" has been struck, shown as stricken, and "(i)" inserted; in line 6 "(b)" has been struck, shown as stricken, and "(ii)" inserted; and in line 12 "(c)" has been struck, shown as stricken, and "(iii)" inserted; and

g. On page 15, line 1, the stricken comma has been reinstated; and in line 19 "8-1201," has been struck.

2. On page 1, line 2, "section 8-902" has been struck and "sections 8-705, 8-706, 8-901, 8-902, 8-1202, and 8-1206" inserted; in line 3 "and section" has been struck and "sections 8-103, 8-108, and" inserted; in line 4 ", and section 8-101, Revised Statutes Supplement, 1987" has been inserted after "1986" and "to provide for examinations and reports as prescribed;" has been inserted after the second semicolon; and in line 6 "to require submission of applications for interstate transactions as prescribed; to harmonize provisions; to provide an operative date;" has been inserted after the semicolon.

3. On page 2, line 12, the last comma has been struck and shown as stricken; in line 18 "(a)" has been inserted before "Bank"; in line 20 "(a)" has been struck, shown as stricken, and "(i)" inserted; and in line 23 "(b)" has been struck, shown as stricken, and "(ii)" inserted.

4. On page 3, line 1, "(c)" has been struck, shown as stricken, "(iii)" inserted.

5. On page 3, lines 6, 15, and 25; and page 4, line 13, "effective" has been struck and "operative" inserted.

6. On page 3, line 15; and page 4, line 12, "bank" has been inserted before "holding".

7. On page 5, line 1, "(b)" has been inserted before "Notwithstanding"; in line 5 "except" has been struck and "if" inserted; in line 6 the stricken "such trust is not" has been reinstated; and in line 21 the new matter on page 3, line 4, through page 4, line 25, has been moved and inserted after "faith".

8. On page 8, line 21, "and" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 982	Wednesday, February 24, 1988	1:30 p.m.
LB 986	Wednesday, February 24, 1988	1:30 p.m.
LB 1147	Wednesday, February 24, 1988	1:30 p.m.
LB 1221	Wednesday, February 24, 1988	1:30 p.m.
LB 1108	Thursday, February 25, 1988	1:30 p.m.
LB 1109	Thursday, February 25, 1988	1:30 p.m.
LB 1149	Thursday, February 25, 1988	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1235 and 1236.

LB	Committee
1235	Business and Labor
1236	Business and Labor

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

MOTION - Return LB 428 to Select File

Mrs. Smith and Mr. Moore moved to return LB 428 to Select File for their specific amendment, AM1899, printed separate from the Journal and referred to on page 697.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. 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. Moore requested a roll call vote on the motion to return.

Voting in the affirmative, 22:

Barrett	Coordsen	Johanns	Moore	Schellpeper
Bernard-Stevens	Dierks	Johnson, L.	Peterson	Schmit
Chambers	Elmer	Korshoj	Pirsch	Scofield
Conway	Hall	Lamb	Remmers	Smith
	Hannibal	Landis		

Voting in the negative, 23:

Abboud	Chizek	Johnson, V.	Morehead	Wehrbein
Ashford	Goodrich	Langford	Nelson	Weihing
Baack	Haberman	Lynch	Rogers	Wesely
Beyer	Hartnett	Marsh	Warner	Withem
Campbell	Hefner	McFarland		

Present and not voting, 1:

Miller

Excused and not voting, 3:

Higgins Johnson, R. Labedz

The Smith-Moore motion to return lost with 22 ayes, 23 nays, 1 present and not voting, and 3 excused and not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Moore withdrew his pending amendment, AM1803, found in the Journal on page 621.

Mr. Lynch withdrew his pending amendment, AM1913, printed separate from the Journal and referred to on page 714.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 428.

Whereupon the 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:

Abboud	Campbell	Hefner	McFarland	Warner
Ashford	Chizek	Johnson, V.	Miller	Wehrbein
Baack	Goodrich	Langford	Morehead	Weihing
Bernard-Stevens	Haberman	Lynch	Nelson	Wesely
Beyer	Hartnett	Marsh	Rogers	Withem

Voting in the negative, 20:

Barrett	Dierks	Johanns	Landis	Remmers
Chambers	Elmer	Johnson, L.	Moore	Schellpeper
Conway	Hall	Korshoj	Peterson	Scofield
Coordsen	Hannibal	Lamb	Pirsch	Smith

Excused and not voting, 4:

Higgins	Johnson, R.	Labedz	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 1235	Monday, February 29, 1988	1:30 p.m.
LB 1236	Monday, February 29, 1988	1:30 p.m.

(Signed) Timothy Hall, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE RESOLUTION 265CA. Placed on General File.

LEGISLATIVE BILL 1028. Placed on General File.
LEGISLATIVE BILL 1103. Placed on General File.
LEGISLATIVE BILL 1142. Placed on General File.
LEGISLATIVE BILL 1193. Placed on General File.
LEGISLATIVE BILL 1197. Placed on General File.

LEGISLATIVE BILL 859. Indefinitely postponed.
LEGISLATIVE BILL 891. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 428.

SELECT FILE

LEGISLATIVE BILL 352. Mr. Abboud renewed his pending amendment, AM1700, found in the Journal on page 419 and considered on page 779.

Mr. Abboud moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

Mr. Chizek requested a roll call vote on the Abboud amendment.

Voting in the affirmative, 25:

Abboud	Dierks	Johnson, L.	Lynch	Peterson
Barrett	Goodrich	Johnson, V.	Marsh	Pirsch
Beyer	Hannibal	Korshoj	Miller	Warner
Campbell	Hefner	Landis	Moore	Wehrbein
Coordsen	Johanns	Langford	Morehead	Wesely

Voting in the negative, 14:

Bernard-Stevens	Chizek	Hall	Rogers	Smith
Chambers	Elmer	Lamb	Schellpeper	Weihing
	Haberman	Remmers	Scofield	Withem

Present and not voting, 6:

Ashford	Conway	Hartnett	McFarland	Nelson
Baack				

Excused and not voting, 4:

Higgins	Johnson, R.	Labedz	Schmit

The Abboud amendment was adopted with 25 ayes, 14 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Chizek withdrew his pending amendment, AM1831, found in the Journal on page 662.

Mr. Abboud renewed his pending amendment, AM1946, found in the Journal on page 766.

The Abboud amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Landis renewed his pending amendment, AM1989, found in the Journal on page 804.

SPEAKER BARRETT PRESIDING

The Landis amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Messrs. Beyer and Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM1972, found in the Journal on page 805.

The Landis amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 419. E & R amendments, AM5306, found in the Journal on page 568 for the Sixteenth Day were adopted.

Mr. Hannibal withdrew his pending amendment, AM1811, found in the Journal on page 592.

Mr. Withem renewed his pending amendment, AM1808, printed separate from the Journal and referred to on page 673.

Mr. Lynch renewed his pending amendment, AM1957, found in the Journal on page 781 to the pending Withem amendment.

Mr. Rogers asked unanimous consent to be excused. No objections. So ordered.

The Lynch amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Withem amendment, as amended, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 419A. E & R amendment, AM5305, found in the Journal on page 572 for the Sixteenth Day was adopted.

Mr. Withem offered the following amendment:
AM1981

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $26,189 from the General Fund and $27,376 from Federal Funds for the period July 1, 1988, to June 30, 1989, and (2) $31,437 from the General Fund and $32,746 from Federal Funds for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 419, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this

section shall exceed neither $41,611 for the period July 1, 1988, to June 30, 1989, nor $53,679 for the period July 1, 1989, to June 30, 1990.

Sec. 2. There is hereby appropriated (1) $519,551 from the General Fund and $757,299 from Federal Funds for the period July 1, 1988, to June 30, 1989, and (2) $1,037,892 from the General Fund and $1,570,532 from Federal Funds for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 348, to aid in carrying out the provisions of Legislative Bill 419, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The Withem 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 551A. Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 931. Placed on General File as amended.
Standing Committee amendment to LB 931:
AM2019

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-202, Revised Statutes Supplement, 1987, be amended to read as follows:

77-202. (1) The following property shall be exempt from taxes:

(a) The property of the state and its governmental subdivisions;

(b) Property owned by and used exclusively for agricultural and horticultural societies;

(c) Property owned by educational, religious, charitable, or cemetery organizations and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not (i) owned

or used for financial gain or profit to either the owner or user, (ii) used for the sale of alcoholic liquors for more than twenty hours per week, or (iii) owned or used by an organization which discriminates in membership or employment based on race, color, or national origin. For purposes of this subdivision, educational organization shall mean an institution operated exclusively for the purpose of offering regular courses with systematic instruction in academic, vocational, or technical subjects or a museum or historical society operated exclusively for the benefit and education of the public, and charitable organization shall mean an organization operated exclusively for the purpose of the mental, social, or physical benefit of the public or an indefinite number of persons; ~~and~~

(d) Household goods and personal effects when such property is not owned or used for financial gain or profit to either the owner or user; and

(e) Subdivisions (1)(b) and (1)(c) of this section shall not apply to any organization or society licensed pursuant to sections 2-1201 to 2-1227 in a county of more than three hundred fifty thousand inhabitants.

(2) The increased value of land by reason of shade and ornamental trees planted along the highway shall not be taken into account in the assessment of such land.

(3) The premiums received by any insurance company authorized to do business in this state on pension, profit-sharing, and other employee benefit plans which are described in section 805(d)(1) of the Internal Revenue Code of 1954, as amended as of January 1, 1965, shall be exempt from taxes.

(4) Life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments shall be exempt from the intangible tax.

(5) Vehicles registered under section 60-305.09 and paying the registration fees prescribed in such section shall be exempt from payment of ad valorem taxes.

(6) Agricultural income-producing machinery and equipment shall be exempt from the personal property tax except: (a) Motor vehicles, as defined in section

60-301; (b) property assessed by the Tax Commissioner as provided in sections 77-601 to 77-633; (c) property owned by parties deemed public service entities subject to the provisions of sections 77-801 to 77-803; and (d) any building or fixture, whether permanently attached to the land or not.

(7) Business inventory shall be exempt from the personal property tax.

(8) Feed, fertilizer, and farm inventory shall be exempt from the personal property tax.

(9) Grain, seed, livestock, poultry, fish, honeybees, and fur-bearing animals shall be exempt from the personal property tax.

(10) Any personal property exempt pursuant to subsection (2) of section 77-4105 shall be exempt from the personal property tax.

Sec. 2. That original section 77-202, Revised Statutes Supplement, 1987, is repealed.".

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 520 in the Journal. No objections. So ordered.

AM2038

1. On page 2, lines 22 and 23; page 3, lines 19 and 20; and page 5, line 25, strike "the decision to reorganize" and insert "the last legal action, as prescribed in section 79-402, 79-426.18, or 79-426.26, necessary to effect the changes in boundaries as set forth in the petition or plan for reorganization".

2. On page 6, line 13, after the first comma insert "79-402.03 to 79-402.05,"; in line 14 after "79-426.02" insert "to 79-426.19, 79-426.23 to 79-426.26"; in line 16 after "if" insert "the petition or plan for"; and in line 19 after "prospective" insert ". For purposes of this subdivision a petition or plan shall be deemed approved when the last legal action has been taken, as prescribed in section 79-402, 79-426.18, or 79-426.26, necessary to effect the changes in boundaries as set forth in the petition or plan".

3. Insert the following new section:

"Sec. 4. That section 79-1254.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1254.07. Any employee whose contract shall be terminated because of reduction in force shall be considered to have been dismissed with honor and shall upon request be provided a letter to that effect. Such employee shall have preferred rights to reemployment for a period of twenty-four months commencing at the end of the contract year of such employee and the employee shall be recalled on the basis of length of service to the school to any position for which he or she is qualified by endorsement or college preparation to teach. Whenever a school district has, pursuant to section 79-486, contracted for the instruction of all of the students residing in such district or has, pursuant to section 79-701, contracted for the instruction of its students in grades nine through twelve, then the preferred rights to reemployment shall commence at the end of the student contract period as agreed to by the contracting school district. The employee shall, upon reappointment, retain any benefits which had accrued to ~~said~~ such employee prior to termination, but such leave of absence shall not be considered as a year of employment by the district. An employee under contract to another educational institution may waive recall but such waiver shall not deprive the employee of his or her right to subsequent recall.".

4. On page 7, line 19, after the second comma insert "79-1254.07,".

5. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 1155 in the Journal. No objections. So ordered.

AM2041

1. On page 4, line 25, and page 8, line 24, strike "twenty-four months" and insert "five years".

Mr. Withem asked unanimous consent to print the following amendment to LB 1155 in the Journal. No objections. So ordered.

AM2040

1. On page 4, line 16, and page 8, line 19,

strike "When" and insert "For any contract entered into after the effective date of this act, when".

Mr. Withem asked unanimous consent to print the following amendment to LB 1155 in the Journal. No objections. So ordered.

AM2042

1. Strike original section 6.
2. On page 9, line 1, strike "31-766, and 35-513" and insert "and 31-766".
3. Renumber remaining section accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM2052

(Amendments to Final Reading copy)

1. On page 3, lines 1, 5, 22, and 25; page 4, lines 21 and 25; page 5, line 4; page 6, line 3; page 9, lines 16 and 19; page 10, lines 13 and 18; page 11, lines 14, 19, and 23; and page 12, line 22, strike "of" and insert "charges were filed that resulted in".

Mr. Wesely asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM2051

(Amendments to Final Reading copy)

1. On page 14, line 17, after "person" insert "(1)"; in lines 18 through 25 reinstate the stricken matter and strike the new matter; and in line 19 after "order" insert "if such person has not been convicted of a prior charge of driving under the influence of alcohol or of any drug or previously had his or her motor vehicle operator's license or nonresident operating privileges revoked for the refusal to submit to such chemical test or (2) for a period of one year from the date of such order if such person has had a prior conviction of driving under the influence of alcohol or of any drug or previously had his or her motor vehicle operator's license revoked for the refusal to submit to such chemical test".
2. On page 15, line 5, strike "one-year".

RESOLUTION

LEGISLATIVE RESOLUTION 283. Introduced by Coordsen, 32nd District; Warner, 25th District; Bernard-Stevens, 42nd District; Rogers, 41st District; Elmer, 38th District; Schellpeper, 18th District; Campbell, 22nd District; Scofield, 49th District; Wehrbein, 2nd District.

WHEREAS, production agriculture is the foundation of Nebraska's economy; and

WHEREAS, many Nebraska businesses and the communities in which they are located directly depend on Nebraska's agricultural economy for their survival; and

WHEREAS, Nebraska's agriculture has been enduring hardships the past few years due to declining prices and increasing production costs, and the United States Congress has assisted agriculture in the past by implementing farm assistance legislation; and

WHEREAS, the proposed tax of fifteen and one-half cents per gallon on diesel fuel would amount to over twenty-five million dollars annually that Nebraska farmers would have to remit to the United States Government; and

WHEREAS, this twenty-five million dollars is not a tax liability of Nebraska agriculture and would be entirely refundable, but if the tax is implemented, it would have a dramatic negative impact on Nebraska farmers' cash flow at a time of the year that they desperately need money to finance their farming operations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages the United States Treasury Department and the Internal Revenue Service to add agriculture to the list of exempt entities who use diesel fuel for nonhighway purposes.

2. That the Legislature encourages the United States Congress to enact legislation to exempt agriculture from these fuel tax requirements if the United States Treasury Department and Internal Revenue Service fail to create such an exemption in an expeditious manner.

3. That copies of this resolution be sent to the United States Department of the Treasury, the Internal Revenue Service and members of the Nebraska Congressional Delegation.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 17, 1988, at 11:20 a.m., was the following bill: 428.

(Signed) Pam Moravec, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 864. Placed on Select File as amended.
E & R amendments to LB 864:
AM5334

1. In the Standing Committee amendments, AM1801, adopted February 16, 1988, on page 1, line 8, after "cash" insert "fund"; and in line 9 strike the new matter and insert "non-general-fund".

2. On page 1, line 13, after the semicolon insert "to eliminate a fund;".

3. On page 3, line 18; page 4, line 2; page 14, line 22; and page 17, line 14, strike "where", show as stricken, and insert "in which".

4. On page 3, line 18; and page 14, line 1, strike "shall have", show as stricken, and insert "has".

5. On page 3, line 20; and page 4, line 8, strike ", wherein", show as stricken, and insert "and in which".

6. On page 4, line 7, strike "any" and show as stricken; in line 9 strike both commas and show as stricken; and in line 22 after "24-319" insert an underscored comma.

7. On page 5, line 2; and page 53, line 14, strike "wherein", show as stricken, and insert "in which".

8. On page 5, line 13; page 6, line 23; page 7, line 1; page 9, line 18; page 16, line 19; page 23, line 18; page 24, lines 3 and 15; page 25, line 6; page 26, lines 4 and 5; page 30, line 1; page 37, line 11; page 41, line 6; page 42, line 21; page 44, line 5; page 46, lines 18 and 20; page 56, line 21; and page 57, lines 1, 22, and 23, strike the comma and show as stricken.

9. On page 6, line 10, strike "Chapter 23, article 24", show as stricken, and insert "the Political Subdivisions Tort Claims Act"; and in line 14 strike the

first "or" and show as stricken.

10. On page 10, line 19, after "of" insert "a".

11. On page 11, line 1; page 13, line 18; and page 14, lines 4 and 22, strike "shall be", show as stricken, and insert "is".

12. On page 14, line 2, after "for" insert "any request for payment or reimbursement of"; in line 3 strike the new matter; and in line 13 strike the first comma and show as stricken.

13. On page 15, line 8, strike "to the state" and show the old matter as stricken.

14. On page 16, line 5, strike "this" and show as stricken; and in line 6 strike "enactment" show as stricken, and insert "such act".

15. On page 17, line 16; and page 29, line 15, strike the last comma and show as stricken.

16. On page 23, lines 6 and 7, after "statute" insert ", rule,".

17. On page 30, line 22, strike "or" and show as stricken; and in line 25 after "expenses" insert an underscored comma.

18. On page 31, line 1, strike the commas; and in line 2 reinstate the stricken comma.

19. On page 33, lines 10 and 12, before "the" insert "all claims under"; and in line 11 strike "Claim" and insert "Claims".

20. On page 37, line 15, strike "Appropriations" and insert "Business and Labor".

21. On page 38, line 1; and page 39, line 1, strike the comma.

22. On page 39, line 6, strike "of" and insert "in the manner prescribed by"; in line 8 after "Manager" insert an underscored comma; and in line 11 strike "by" and insert "as a result of".

23. On page 41, line 9, strike "the" and show as stricken; and in line 14 strike "nongeneral fund", show the old matter as stricken, and insert "non-general-fund".

24. On page 51, line 5, strike "sections", show as stricken, and insert "section"; and in line 6 strike "59-821,", "59-829, and", and "to 84-214" and show as stricken and before the last comma insert ", or 84-212".

25. On page 53, line 1, strike "59-821," and ", 59-829," and show as stricken; in line 8 after "under" insert "such"; strike beginning with "59-821" in line 8 through "84-214" in line 9 and show as stricken; in line 20 strike "sections", show as stricken, and insert "section" and strike "59-821," and "59-829, and" and show as stricken; and in line 21 strike "to 84-214", show as stricken, and insert ", or 84-212".

26. On page 54, line 4, after "to" insert "such" and after "sections" insert an underscored period; strike beginning with "59-821" in line 4 through the period in line 5 and show the old matter as stricken; in line 10 after "under" insert "such" and after "sections" insert an underscored comma; and strike beginning with "59-821" in line 10 through the underscored comma in line 11 and show the old matter as stricken.

27. On page 56, lines 20 and 21, strike "a term", show as stricken, and insert "terms".

LEGISLATIVE BILL 868. Placed on Select File.

LEGISLATIVE BILL 868A. Placed on Select File as amended.
E & R amendment to LB 868A:
AM5335

1. On page 1, line 1, strike "relating to".

LEGISLATIVE BILL 88. Placed on Select File as amended.
E & R amendments to LB 88:
AM5336

1. Because of the Landis-Morehead amendment adopted February 8, 1988, found beginning on page 536 of the Journal, renumber section 16 and 18 as sections 15 and 16, respectively.

2. On page 1, strike beginning with "to" in line 3 through the semicolon in line 4.

3. On page 32, line 12 after "that" insert a comma.

4. On page 4, strike beginning with "that" in line 24 through the comma in line 25.

5. On page 7, line 24, strike "have" insert "be"; and in line 25 strike "been"; and strike "was" and insert "were".

6. On page 8, lines 13 and 15, strike the

comma.

(Signed) Scott Moore, Chairperson

MOTION - Withdraw LB 829

Mr. Haberman moved to withdraw LB 829.

Laid over.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 835. Placed on General File as amended.
Standing Committee amendments to LB 835:
AM2062

1. On page 5, line 21, reinstate the stricken matter.
2. On page 6, lines 2, 5, 14, 24, and 25, reinstate the stricken matter; and in line 10 strike the new matter and reinstate the stricken matter.
3. On page 7, line 1, after the period insert "This subsection shall not apply to an application for replat of territory when, at the time of the application for replatting, the territory in question has been developed through the construction of dwelling structures.".

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Bracket LB 352

Messrs. Hefner and Weihing asked unanimous consent to bracket LB 352 to E & R Final. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 902A. Introduced by Morehead, 30th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 902, Ninetieth Legislature, Second Session, 1988; and to reduce an appropriation.

UNANIMOUS CONSENT - Print in Journal

Messrs. Weihing and Hefner asked unanimous consent to print the following amendment to LB 352 in the Journal. No objections. So ordered.

AM1865

(Amendments to AM1610)

1. On page 2, strike beginning with "Any" in line 15 through the underscored period in line 20 and insert:

"Any individual who is a party to a formal hearing before an agency may demand that such hearing be held in the county of his or her residence within the State of Nebraska by delivering to such agency, at least twenty days prior to the holding of such hearing, a written demand therefor, and such demand shall be granted.

Any corporation who is a party to a formal hearing may demand such hearing be held within the county of residence of its registered agent within the State of Nebraska by delivering to such agency, at least twenty days prior to the holding of such hearing, a written demand therefor, and such demand shall be granted. If there is more than one nongovernment party to the hearing, the parties may jointly and unanimously demand that the hearing be conducted in one of their counties of residence pursuant to this subsection. Such demand shall constitute a waiver of any further notice of such hearing to the parties by the agency. If the parties do not so demand, the hearing officer shall set the location of the hearing, giving due deference to the residences of the parties.".

VISITORS

Visitors to the Chamber were Arlene Kelly and Louise Fiene from Grand Island; Myron Wasson from Norfolk; 50 students and teacher from Omaha Central High School; and a group from the Service for the Visually Impaired.

ADJOURNMENT

At 11:56 a.m., on a motion by Mr. Baack, the Legislature adjourned until 9:00 a.m., Thursday, February 18, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 18, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 18, 1988

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Dan Lehman, Berean Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins who was excused; and Messrs. Abboud, Ashford, Chambers, R. Johnson, V. Johnson, Schellpeper, Schmit, and Mrs. Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Seventh Day was approved.

ANNOUNCEMENTS

The Education Committee designates LBs 1116 and 1117 as its priority bills.

Mr. Hall designates LR 248CA as his priority resolution.

Mr. Withem designates LB 940 as his priority bill.

The General Affairs Committee designates LBs 949 and 1232 as its priority bills.

RESOLUTION

LEGISLATIVE RESOLUTION 284. Introduced by Wesely, 26th District; Scofield, 49th District; Weihing, 48th District; Baack, 47th District; Haberman, 44th District.

WHEREAS, the Superconducting Super Collider is a scientific project of extreme importance which will help maintain the United State's leadership in scientific research; and

WHEREAS, the visibility of the Superconducting Super Collider will help attract more American students into scientific, technological, and science teaching careers; and

WHEREAS, the new technology learned in building the Superconducting Super Collider and the large particle detectors needed at the Superconducting Super Collider will lead to new technological advances and industrial applications in the United States; and

WHEREAS, the State of Colorado is one of seven finalists being considered as the site of the Superconducting Super Collider, which site would be within one hundred miles of Nebraska's western border; and

WHEREAS, the economic benefits to Nebraska from having the Superconducting Super Collider so close to its border, both during its construction and its operating lifetime, will be substantial; and

WHEREAS, the University of Nebraska and other institutions of higher education in this state would benefit from having a major international scientific facility near Nebraska's borders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature pledges its support for the Colorado site proposal for the Superconducting Super Collider with the following specific recommendations:

(a) That the Nebraska Congressional delegation does everything in its power to support the Colorado site proposal;

(b) That the Governor of Nebraska offers her office and the assistance of Nebraska's state agencies in support of the Colorado site proposal;

(c) That the higher education community in Nebraska offers its support of the Colorado site proposal; and

(d) That in the event the Colorado site is chosen for the Superconducting Super Collider, the Legislature intends to establish a high-energy experimental group to work at the Superconducting Super Collider, thus supporting the Colorado site proposal in a significant way.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 279.

RESOLUTIONS

LEGISLATIVE RESOLUTION 280. Read. Considered.

LR 280 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 282. Read. Considered.

LR 282 was adopted with 27 ayes, 0 nays, and 22 not voting.

MOTION - Withdraw LB 1071

Mr. Chizek renewed his pending motion found in the Journal on page 847 to withdraw LB 1071.

The Chizek motion to withdraw prevailed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

MOTION - Withdraw LB 829

Mr. Haberman renewed his pending motion found in the Journal on page 872 to withdraw LB 829.

The Haberman motion to withdraw prevailed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

MOTION - Place LB 1049 on General File

Mr. McFarland renewed his pending motion found in the Journal on page 816 to place LB 1049 on General File notwithstanding the action of the Judiciary Committee.

Mr. McFarland moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. McFarland requested a roll call vote on his motion to place on General File.

Voting in the affirmative, 19:

Abboud	Dierks	Johnson, R.	Lynch	Rogers
Barrett	Goodrich	Labedz	McFarland	Schellpeper
Beyer	Hefner	Landis	Miller	Wehrbein
Campbell	Johnson, L.	Langford	Peterson	

Voting in the negative, 23:

Baack	Conway	Johanns	Nelson	Warner
Bernard-Stevens	Coordsen	Lamb	Pirsch	Weihing
Chambers	Haberman	Marsh	Remmers	Wesely
Chizek	Hall	Moore	Scofield	Withem
	Hartnett	Morehead	Smith	

Present and not voting, 3:

Elmer	Hannibal	Korshoj

Excused and not voting, 4:

Ashford	Higgins	Johnson, V.	Schmit

The McFarland motion lost with 19 ayes, 23 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 285. Introduced by R. Johnson, 34th District.

WHEREAS, the United States Department of Transportation has recently proposed to reclassify anhydrous ammonia as a poisonous gas; and

WHEREAS, the effect of the reclassification would be to prohibit the transportation of anhydrous ammonia upon United States highways; and

WHEREAS, the use of anhydrous ammonia as a fertilizer by farmers is widespread; and

WHEREAS, the reclassification will have an adverse impact on insurance, shipping, storage, and marketing within the agricultural chemical industry; and

WHEREAS, the regulatory change may make American production less competitive in world markets; and

WHEREAS, comments regarding the reclassification must be submitted to the United States Department of Transportation on or before February 26, 1988.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages the United States Department of Transportation to extend the time period for which comments regarding the reclassification of anhydrous ammonia may be submitted.

2. That the Legislature, in light of the comments the United States Department of Transportation receives, urges the department to reconsider its action.

3. That a copy of this resolution be sent to the Secretary of Transportation, United States Department of Transportation, Washington, D.C.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 963 in the Journal. No objections. So ordered.

AM2078

1. On page 2, line 8, after the period insert "Commencing January 1, 1990, the board may levy an excise tax of not to exceed one and one-fourth cents per bushel upon all wheat sold through commercial channels in the State of Nebraska. Commencing July 1, 1991, the board may levy an excise tax of not to exceed one and one-half cents per bushel upon all wheat sold through commercial channels in the State of Nebraska.".

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 1116. Placed on General File as amended.
Standing Committee amendments to LB 1116:
AM2063

1. On page 3, line 11, strike "1990" and insert "1992"; in line 21 after "and" insert "approved or"; and in line 24 strike "School districts" and insert "Schools".

2. On page 4, line 25, after the period insert "Whenever there are less than ten students enrolled in any school, the results of the student assessment for such school shall be kept confidential by the department and the results shall be reported with all similarly situated schools on a county-wide basis.".

3. On page 5, line 2, after "act" insert "and beginning with school year 1988-89"; in line 3 after "each" insert "approved or accredited", strike "district", and strike "use" and insert "administer"; in line 7 after the period insert "Such test shall be administered to students in grades three, six, eight, and ten."; in line 10 strike "department" and insert "State Department of Education"; strike beginning with "published" in line 11 through "district" in line 13 and insert "made available to the public at the central administrative office of each such school and, in the case of any school without a central administrative office, shall be made available to the public at the office of the county superintendent. Whenever there are less than ten students enrolled in any school, the results of the student assessment for such school shall be kept confidential by the department and the results shall be reported with all similarly situated schools on a county-wide basis"; in lines 16 and 23 strike "district"; strike beginning with "publish" in line 18 through "district" in line 19 and insert "shall make available to the public at the central administrative office of the school and, in the case of schools without a central administrative office, at the office of the county superintendent of schools"; and in line 22 strike "districts".

4. On page 6, line 3, after the semicolon insert "and"; strike beginning with "the" in line 3

through "(g)" in line 5; and in line 17 strike "other" and insert "five representatives of".

(Signed) Ron Withem, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 940A. Introduced by Withem, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 940, Ninetieth Legislature, Second Session, 1988.

LEGISLATIVE BILL 916A. Introduced by Withem, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 916, Ninetieth Legislature, Second Session, 1988.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 377. Passed over.

LEGISLATIVE BILL 435.

A BILL FOR AN ACT relating to schools; to amend section 79-4,154, Reissue Revised Statutes of Nebraska, 1943; to provide for the refinancing of certain agreements without elections; and to repeal the original section.

Whereupon the 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	Bernard-Stevens	Chambers	Dierks	Hall
Baack	Beyer	Chizek	Elmer	Hartnett
Barrett	Campbell	Conway	Goodrich	Hefner
		Coordsen	Haberman	Johanns

Johnson, L.	Langford	Moore	Remmers	Warner
Johnson, R.	Lynch	Morehead	Rogers	Wehrbein
Korshoj	Marsh	Nelson	Schellpeper	Weihing
Labedz	McFarland	Peterson	Scofield	Wesely
Lamb	Miller	Pirsch	Smith	Withem
Landis				

Voting in the negative, 0.

Present and not voting, 1:

Hannibal

Excused and not voting, 4:

Ashford	Higgins	Johnson, V.	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 551 to Select File

Mr. Goodrich moved to return LB 551 to Select File for his specific amendment, AM1838, found in the Journal on page 742.

The Goodrich motion to return prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 551. The Goodrich specific amendment, AM1838, found in the Journal on page 742 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.

MOTION - Return LB 551 to Select File

Mr. Goodrich moved to return LB 551 to Select File for his specific amendment, AM2039, printed separate from the Journal and referred to on page 855.

The Goodrich motion to return prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 551. The Goodrich specific amendment, AM2039, printed separate from the Journal and referred to on page 855 was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 180.

A BILL FOR AN ACT relating to telephones; to amend sections 87-302, 87-303.08, and 87-307 to 87-311, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to automatic dialing-announcing devices; to change a penalty; to redefine and define terms; to change provisions relating to permits; to provide a fee; to change provisions relating to agreements; to prohibit sequential dialing as prescribed; to provide powers; to provide for appeals; to provide for expiration of certain permits as prescribed; to require the registration of certain devices; and to repeal the original sections.

Whereupon the 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:

Abboud	Coordsen	Lamb	Miller	Schellpeper
Baack	Dierks	Landis	Moore	Scofield
Barrett	Goodrich	Langford	Morehead	Warner
Beyer	Hannibal	Lynch	Peterson	Weihing
Campbell	Johanns	Marsh	Pirsch	Wesely
Chambers	Johnson, L.	McFarland	Rogers	Withem

Voting in the negative, 13:

Bernard-Stevens	Conway	Hall	Korshoj	Remmers
Chizek	Elmer	Hartnett	Labedz	Smith
	Haberman	Hefner	Nelson	

Present and not voting, 2:

Johnson, R. Wehrbein

Excused and not voting, 4:

Ashford Higgins Johnson, V. Schmit

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 courts; to amend sections 24-530 to 24-532, 29-424, 29-2206, 29-2702, 29-2708, 77-2326.01 to 77-2326.03, and 77-2326.07 to 77-2326.09, Reissue Revised Statutes of Nebraska, 1943, sections 24-532.01, 29-2412, and 33-126.05, Revised Statutes Supplement, 1986, and section 29-2709, Revised Statutes Supplement, 1987; to authorize the use of credit cards for money due the county courts; to change provisions relating to the handling of money received by and due certain courts; to change provisions relating to citations; to authorize the payment of costs in installments; to change the amount of a credit; to provide a fee; to change a fee; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Chizek	Hannibal	Lamb	Morehead
Baack	Conway	Hartnett	Landis	Nelson
Barrett	Coordsen	Hefner	Langford	Peterson
Bernard-Stevens	Dierks	Johanns	Lynch	Pirsch
	Elmer	Johnson, L.	Marsh	Remmers
Beyer	Goodrich	Johnson, R.	McFarland	Rogers
Campbell	Haberman	Korshoj	Miller	Schellpeper
Chambers	Hall	Labedz	Moore	Scofield

Smith	Wehrbein	Weihing	Wesely	Withem
Warner				

Voting in the negative, 0.

Excused and not voting, 4:

Ashford	Higgins	Johnson, V.	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 490.

A BILL FOR AN ACT relating to liquors; to amend sections 53-101 and 53-124.11, Reissue Revised Statutes of Nebraska, 1943, and section 53-103, Revised Statutes Supplement, 1987; to authorize catering by certain retail licensees as prescribed; to provide notice; to define terms; 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	Elmer	Johnson, R.	Miller	Schellpeper
Barrett	Goodrich	Korshoj	Moore	Scofield
Bernard-Stevens	Haberman	Labedz	Morehead	Smith
	Hall	Lamb	Nelson	Warner
Beyer	Hannibal	Landis	Peterson	Wehrbein
Campbell	Hartnett	Langford	Pirsch	Weihing
Chizek	Hefner	Lynch	Remmers	Wesely
Coordsen	Johanns	Marsh	Rogers	Withem
Dierks	Johnson, L.	McFarland		

Voting in the negative, 0.

Present and not voting, 3:

Baack	Chambers	Conway

Excused and not voting, 4:

Ashford Higgins Johnson, V. Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 557. E & R amendments, AM5308, found in the Journal on page 718 for the Twenty-Second Day were adopted.

Mr. Hartnett renewed his pending amendment, AM1875, found in the Journal on page 676.

Mr. Hartnett withdrew his pending amendment, AM1875, found in the Journal on page 676.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely renewed his pending amendment, AM1986, found in the Journal on page 781.

The Wesely amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Hall renewed his pending amendment, AM1984, found in the Journal on page 808.

The Hall amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 557A. E & R amendments, AM5309, found in the Journal on page 720 for the Twenty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 383. E & R amendments, AM5310, found in the Journal on page 720 for the Twenty-Second Day were adopted.

Mr. Wesely offered the following amendment:
add the Emergency Clause to LB 383

The Wesely amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Rogers asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 490, 370, 180, and 435.

SELECT FILE

LEGISLATIVE BILL 383A. E & R amendments, AM5311, found in the Journal on page 721 for the Twenty-Second Day were adopted.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely renewed his pending amendment, AM2032, found in the Journal on page 852.

The Wesely 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 520. E & R amendments, AM5312, found in the Journal on page 721 for the Twenty-Second Day were adopted.

Mr. McFarland renewed his pending amendment, AM2038, found in the Journal on page 865.

The McFarland 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 475. E & R amendments, AM5316, found in the Journal on page 751 for the Twenty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 602. E & R amendments, AM5313, found in the Journal on page 753 for the Twenty-Third Day were adopted.

Mr. Baack renewed his pending amendment, AM1959, found in the Journal on page 838.

The Baack 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 606. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 190. E & R amendments, AM5314, found in the Journal on page 753 for the Twenty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 828. E & R amendments, AM5315, found in the Journal on page 753 for the Twenty-Third Day were adopted.

Mr. Coordsen offered the following amendment:
AM1935

1. On page 2, lines 4 and 13, strike "used, surplus personal property" and insert "surplus personal property which is obsolete or not usable by the county".

2. On page 3, line 22, strike "used, surplus personal property" and insert "surplus personal property which is obsolete or not usable by the county".

3. In the Standing Committee amendments, AM1768:

a. On page 1, strike beginning with "line" in line 1 through "in" in line 3; in line 3 after "18" insert a comma; and strike beginning with the semicolon in line 6 through the quotation marks in line 8; and

b. On page 2, strike beginning with "obsolete" in line 23 through "board" in line 24 and insert "by the county board to be surplus and which is obsolete or not usable by the county".

The Coordsen 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 871. E & R amendments, AM5331, found in the Journal on page 782 for the Twenty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 872. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 874. E & R amendments, AM5332, found in the Journal on page 783 for the Twenty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 980. E & R amendment, AM5320, found in the Journal on page 785 for the Twenty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 845. E & R amendment, AM5319, found in the Journal on page 786 for the Twenty-Fourth Day was adopted.

Mr. Lamb renewed his pending amendment found in the Journal on page 841.

The Lamb 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 930. E & R amendments, AM5322, found in the Journal on page 786 for the Twenty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 857. E & R amendments, AM5317, found in the Journal on page 786 for the Twenty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 975. E & R amendments, AM5318, found in the Journal on page 786 for the Twenty-Fourth Day were adopted.

Mr. Dierks renewed his pending amendment, AM1971, found in the Journal on page 803.

The Dierks 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 957. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 893. E & R amendments, AM5330, found in the Journal on page 787 for the Twenty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 838. E & R amendments, AM5323, found in the Journal on page 789 for the Twenty-Fourth Day were adopted.

Mr. Schellpeper renewed his pending amendment, AM2034, found in the Journal on page 853.

The Schellpeper 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 853. E & R amendment, AM5324, found in the Journal on page 790 for the Twenty-Fourth Day was adopted.

Mr. Lamb requested a machine vote on the advancement of the bill.

Mrs. Johanns moved for a call of the house. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

Mrs. Johanns requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Baack	Bernard-Stevens	Campbell	Conway	Goodrich
Barrett		Chizek	Elmer	Hall

Hartnett	Landis	Morehead	Scofield	Weihing
Johanns	Marsh	Nelson	Warner	Wesely
Johnson, R.	McFarland	Schellpeper	Wehrbein	Withem
Labedz	Moore			

Voting in the negative, 13:

Abboud	Coordsen	Johnson, L.	Langford	Pirsch
Beyer	Dierks	Korshoj	Miller	Remmers
Chambers	Hefner	Lamb		

Present and not voting, 4:

Hannibal	Lynch	Peterson	Smith

Excused and not voting, 6:

Ashford	Higgins	Johnson, V.	Rogers	Schmit
Haberman				

Advanced to E & R for Engrossment with 26 ayes, 13 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 854. E & R amendment, AM5325, found in the Journal on page 790 for the Twenty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 854A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 962. E & R amendment, AM5326, found in the Journal on page 790 for the Twenty-Fourth Day was adopted.

Mr. Baack offered the following amendment:
AM1942

1. On page 2, line 9, strike "with" and insert "by".

The Baack amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 993. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 994. E & R amendments, AM5321, found in the Journal on page 790 for the Twenty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 995. E & R amendment, AM5328, found in the Journal on page 791 for the Twenty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 519. E & R amendments, AM5333, found in the Journal on page 822 for the Twenty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

Mrs. Nelson asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Nelson asked unanimous consent to print the following amendment to LB 890 in the Journal. No objections. So ordered.

AM2070

1. On page 2, line 25, strike "The", show as stricken, and insert "A representative from the".

2. On page 3, line 1, strike "and" and show as stricken; in line 2 after "colleges" insert ", the independent colleges and universities, the Nebraska Coordinating Commission for Postsecondary Education, and the health systems planning division of the Department of Health"; and strike beginning with "and" in line 4 through line 7, show as stricken, and insert "

By September 1988, the committee shall develop a preliminary plan for nursing education which shall include, but not be limited to: (1) The identification of current and future nursing education needs; (2) the

identification of necessary procedures to better coordinate existing nursing programs and to coordinate new programs with existing programs; (3) the development of uniform procedures and formats for documenting program need, cost, impact on other programs, and availability of appropriate clinical experiences; and (4) the development of policies and procedures to promote maximum educational mobility and transfer of course credit between different levels of nursing education and licensure. All new and existing nursing programs shall provide documentation concerning current and projected program need, cost, impact on other programs, availability of appropriate clinical experiences, and any other data required by the plan for nursing education. Documentation for existing programs shall be completed by December 31, 1989, or by the program review date established with the Nebraska Coordinating Commission for Postsecondary Education, whichever is later. Documentation shall be submitted to the appropriate institutional governing board and the Nebraska Coordinating Commission for Postsecondary Education, and integrated into the preliminary plan for nursing education. Documentation for new programs shall be completed and submitted to the appropriate institutional governing board and the Nebraska Coordinating Commission for Postsecondary Education before programs may be initiated. All documentation shall be made available to the public on request.

The joint advisory committee shall update the plan for nursing education as needed, but not less often than biennially. Existing programs shall redocument program need every five years, beginning on December 31, 1989.".

3. Strike the Standing Committee amendments.

Mr. Wesely asked unanimous consent to print the following amendment to LB 1010 in the Journal. No objections. So ordered.

AM2073

1. On page 2, line 14, after the period insert "This section shall not preclude the eligibility for assistance of an applicant who has purchased such a policy of insurance prior to the effective date of this act unless such applicant is subject to subdivision (3)

of section 68-1002.".

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 827. Indefinitely postponed.
LEGISLATIVE BILL 960. Indefinitely postponed.

(Signed) Patricia S. Morehead, Chairperson

Transportation

LEGISLATIVE BILL 1038. Placed on General File as amended.
Standing Committee amendment to LB 1038:
AM2061

1. On page 3, line 2, strike "one dollar", show as stricken, and insert "ten dollars".

LEGISLATIVE BILL 1097. Placed on General File as amended.
Standing Committee amendments to LB 1097:
AM2059

1. On page 3, strike beginning with "other" in line 3 through "subsection" in line 4; in line 5 strike "a doctor's" and insert "an ophthalmologist's"; and strike beginning with the comma in line 11 through "issued" in line 12 and insert ". The applicant shall show through personal demonstration annually to the examiner the necessary ability to safely operate a motor vehicle on the public highways. If the examiner is satisfied after the demonstration that such applicant has the ability to safely operate a motor vehicle, an operator's license shall be issued to the applicant".

2. Insert the following new sections:

Sec. 3. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity 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.".

4. Renumber remaining section accordingly.

(Signed) Howard Lamb, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 18, 1988, at 11:15 a.m., were the following bills: 435, 180, 370, and 490.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 838. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 931. No objections. So ordered.

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LB 931. No objections. So ordered.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 899. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2079.)

(Signed) Jerry Chizek, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 419, 419A, and 551A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 419

The following changes, required to be reported for publication in the Journal, have been made:
ER0241
1. In the Withem amendments, AM1808, adopted February 17, 1988:

(a) On page 3, line 3; and page 12, line 5, "the" has been inserted after "determining";

b. On page 6, lines 2 and 8, the first and second commas have been struck and shown as stricken; and in line 3 "be" has been struck, shown as stricken, and "is" inserted; and

c. On page 9, line 2, "either" has been struck, shown as stricken, and "any" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Rhonda Purbaugh - Commission for the Hearing Impaired

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Morehead, Lynch, Schellpeper, Wesely. Voting nay: None. Absent: None.

The Committee on Health and Human Services 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. Joe L. Williams - State Board of Health

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Lynch, Morehead, Schellpeper, Wesely. Voting nay: None. Absent: None.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM2067

(Amendments to Final Reading copy)

1. On page 3, line 10; page 4, line 5; page

5, line 9; page 10, line 23; and page 12, line 3, strike "of his or her conviction and", show as stricken, and insert "ordered by the court. Such revocation shall be administered (A) upon sentencing, (B) upon final judgment of any appeal or review, or (C) upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed. The court".

2. On page 9, line 25, strike "of his" and show as stricken.

3. On page 10, line 1, strike "or her conviction and", show as stricken, and insert "ordered by the court. Such revocation shall be administered (A) upon sentencing, (B) upon final judgment of any appeal or review, or (C) upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed. The court".

VISITORS

Visitors to the Chamber were Pam Abbott and Barb Reed from Valentine; 8 students and teacher from Cochrane School, Auburn; and 45 members from the National Association of Bank Women.

ADJOURNMENT

At 11:47 a.m., on a motion by Mr. Baack, the Legislature adjourned until 9:00 a.m., Friday, February 19, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 19, 1988

LEGISLATIVE JOURNAL

TWENTY-NINTH DAY - FEBRUARY 19, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 19, 1988

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rex Bevins, St. Paul Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins and Mr. Landis who were excused; and Messrs. Bernard-Stevens, Goodrich, V. Johnson, Lynch, Schmit, Withem, Mesdames Labedz, Nelson, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 879, line 31, strike "LB 936" and insert "LB 963".
Page 890, line 16, strike "page 852" and insert "page 853".
The Journal for the Twenty-Eighth Day was approved as corrected.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 851. Placed on General File as amended.
Standing Committee amendments to LB 851:
AM2084
1. Strike original section 1.
2. On page 4, strike beginning with "section"

in line 4 through "and" in line 5; and in line 6 strike "are" and insert "is".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1214. Indefinitely postponed.

(Signed) Patricia S. Morehead, Chairperson

MOTION - Withdraw LB 1107

Mr. Chizek moved to withdraw LB 1107.

Laid over.

MESSAGE FROM THE GOVERNOR

February 18, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 to the Departments of Public Institutions, Social Services, and Correctional Services, requiring legislative confirmation.

Appointee: David T. Calhoun, 3910 S. 40th, Lincoln, NE 68506, work: 475-5335

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 280 and LR 282.

RESOLUTION

LEGISLATIVE RESOLUTION 281. Read. Considered.

LR 281 was adopted with 26 ayes, 0 nays, and 23 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 283. Read. Considered.

LR 283 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 284. Read. Considered.

LR 284 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 285. Read. Considered.

LR 285 was adopted with 27 ayes, 1 nay, and 21 not voting.

MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 896: Rhonda Purbaugh - Commission for the Hearing Impaired; Dr. Joe L. Williams - State Board of Health.

Voting in the affirmative, 27:

Abboud	Coordsen	Hartnett	Labedz	Morehead
Barrett	Dierks	Johanns	Lamb	Rogers
Beyer	Goodrich	Johnson, L.	Langford	Smith
Campbell	Hall	Johnson, R.	Lynch	Warner
Chizek	Hannibal	Korshoj	Miller	Wehrbein

Wesely Withem

Voting in the negative, 0.

Present and not voting, 16:

Ashford	Chambers	Marsh	Peterson	Schmit
Baack	Conway	McFarland	Remmers	Scofield
Bernard-Stevens	Elmer	Moore	Schellpeper	Weihing
	Haberman			

Excused and not voting, 6:

Hefner	Johnson, V.	Landis	Nelson	Pirsch
Higgins				

These appointments were confirmed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 820. Placed on General File as amended.
Standing Committee amendments to LB 820:
AM2058

1. On page 3, line 8, strike "of" and show as stricken; in lines 8 through 10 strike the new matter and insert "ordered by the court. Such revocation shall be administered (A) upon sentencing, (B) upon final judgment of any appeal or review, or (C) upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed."; and in line 11 strike "and", show as stricken, and insert "The court".

2. On page 4, line 4, strike "of" and show as stricken; in lines 4 through 6 strike the new matter and insert "ordered by the court. Such revocation shall be administered (A) upon sentencing, (B) upon final judgment of any appeal or review, or (C) upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed."; and in line 7 strike "and", show as stricken, and insert "The court".

3. On page 5, line 6, strike the second "of"

and show as stricken; in lines 7 through 9 strike the new matter and insert "ordered by the court. Such revocation shall be administered (A) upon sentencing, (B) upon final judgment of any appeal or review, or (C) upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed."; and in line 9 strike "and", show as stricken, and insert "The court".

4. On page 9, line 16, strike the second "of" and show as stricken; in lines 17 through 19 strike the new matter and insert "ordered by the court. Such revocation shall be administered (A) upon sentencing, (B) upon final judgment of any appeal or review, or (C) upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed."; and in line 19 strike "and", show as stricken, and insert "The court".

5. On page 10, line 13, strike the second "of" and show as stricken; in lines 14 through 16 strike the new matter and insert "ordered by the court. Such revocation shall be administered (A) upon sentencing, (B) upon final judgment of any appeal or review, or (C) upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed."; and in line 16 strike "and", show as stricken, and insert "The court".

6. On page 11, line 16, strike the second "of" and show as stricken; in lines 17 through 19 strike the new matter and insert "ordered by the court. Such revocation shall be administered (A) upon sentencing, (B) upon final judgment of any appeal or review, or (C) upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed."; and in line 19 strike "and", show as stricken, and insert "The court".

LEGISLATIVE BILL 1065. Placed on General File as amended.
Standing Committee amendment to LB 1065:
AM2060

1. Strike the original sections and insert the following new sections:

"Section 1. (1) The operation of all-terrain vehicles upon any public street, road, or highway of this state shall be subject to the restrictions and

conditions provided in subsections (2) to (7) of this section and section 2 of this act.

(2) The operation of all-terrain vehicles upon any portion of the National System of Interstate and Defense Highways and any portion of the state highway system shall be prohibited.

(3) All-terrain vehicles may be operated upon any non-hard-surfaced road under the jurisdiction of any county of this state.

(4) The operation of all-terrain vehicles upon any public street, road, or highway under the jurisdiction of any department, board, or commission of the state may be permitted upon such public street, road, or highway, or any portion thereof, as may be designated following the adoption and promulgation of rules and regulations by such department, board, or commission authorizing the operation of all-terrain vehicles.

(5) The operation of all-terrain vehicles upon any public street, road, or highway within the corporate limits of any city or village of this state may be permitted following the adoption of an ordinance by the city council or village board which authorizes the operation of all-terrain vehicles upon such public street, road, or highway, or any portion thereof, as may be designated by such city council or village board.

(6) The operation of all-terrain vehicles upon any hard-surfaced public street, road, or highway under the jurisdiction of a county may be permitted following the adoption of a resolution by the county board authorizing operation of all-terrain vehicles upon such hard-surfaced public street, road, or highway, or any portion thereof, as may be designated by the county board.

(7) Any all-terrain vehicle when operated upon any public street, road, or highway shall be operated only upon such public street, road, or highway between the hours of sunrise and sunset. Any person operating an all-terrain vehicle on a public street, road, or highway shall have in his or her possession a valid motor vehicle operator's license or a special permit as provided in subsection (5) of section 60-407 and shall not operate such vehicle at a speed in excess of thirty miles per hour or any other posted speed limit. The

headlight and taillight of an all-terrain vehicle shall be lighted whenever the all-terrain vehicle is operated on a public street, road, or highway.

Sec. 2. Except for portions of the National System of Interstate and Defense Highways and freeways as defined in section 39-602, all-terrain vehicles may be operated to cross any public street, road, or highway upon which the operation of all-terrain vehicles is prohibited pursuant to section 1 of this act if:

(1) The crossing is made at an angle of approximately ninety degrees to the direction of the public street, road, or highway and at a place where no obstruction prevents a quick and safe crossing;

(2) The all-terrain vehicle is brought to a complete stop before crossing the shoulder or main-traveled way of the public street, road, or highway;

(3) The operator yields the right-of-way to all oncoming traffic;

(4) In crossing a divided street, road, or highway, the crossing is made only at an intersection of such divided street, road, or highway with another public street, road, or highway; and

(5) Both the headlight and taillight of the all-terrain vehicle are lighted when the crossing is made.

Sec. 3. Notwithstanding the provisions of section 1 of this act, all-terrain vehicles may be operated on public streets, roads, and highways in parades which have been authorized by the state or any department, board, commission, or political subdivision of the state.

Sec. 4. That section 60-2801, Revised Statutes Supplement, 1987, be amended to read as follows:

60-2801. As used in sections 60-2801 to 60-2808 and sections 1 to 3 of this act, unless the context otherwise requires, all-terrain vehicle shall mean any motorized off-highway vehicle which (1) is fifty inches or less in width, (2) has a dry weight of six hundred pounds or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers, (5) has a seat or saddle designed to be straddled by the operator, and (6) has

handlebars or any other steering assembly for steering control.

All-terrain vehicles which have been modified to include additional equipment not required by sections 60-2803 and 60-2804 shall not be registered under Chapter 60, article 3.

Sec. 5. That section 60-2808, Revised Statutes Supplement, 1987, be amended to read as follows:

60-2808. (1) Any person who violates sections ~~60-2802~~ 60-2803 to 60-2807 or sections 1 to 3 of this act shall be guilty of a Class III misdemeanor, except that if such person is convicted of a second or subsequent offense within any period of one year, he or she shall be guilty of a Class II misdemeanor.

(2) Any violation of sections ~~60-2802~~ 60-2803 to 60-2807 or sections 1 to 3 of this act which is also a violation under Chapter 39 or Chapter 60 may be punished under the penalty provisions of such chapter.

(3) Any peace officer of the state or of any political subdivision, including conservation officers of the Game and Parks Commission, shall be charged with the enforcement of the provisions of sections ~~60-2802~~ 60-2803 to 60-2807 and sections 1 to 3 of this act.

Sec. 6. That original sections 60-2801 and 60-2808, Revised Statutes Supplement, 1987, and also section 60-2802, Revised Statutes Supplement, 1987, are repealed.".

LEGISLATIVE BILL 1000. Indefinitely postponed.
LEGISLATIVE BILL 1027. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 917. Placed on General File.

(Signed) R. W. Remmers, Chairperson

MESSAGE FROM THE GOVERNOR

February 19, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 428 was received in my office on February 17, 1988.

This bill was signed by me on February 19, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendments to LB 88 in the Journal. No objections. So ordered.

(1)

AM1953

1. On page 9, line 11, after the period insert:

"No insurance company or health care provider shall charge a higher or lower rate for signers of declarations under the act as opposed to nonsigners.".

(2)

AM1883

1. Strike original section 8.

2. On page 7, line 5; and page 12, line 8, strike "9" and insert "8".

3. On page 11, strike lines 17 and 18; in line 19 strike "(2)" and insert "(1)"; in line 23 strike "(3)" and insert "(2)"; and in line 24 strike "(4)" and insert "(3)".

4. On page 12, line 3, strike "(5)" and insert "(4)"; and in line 5 strike "(6)" and insert "(5)".

5. Renumber the remaining sections accordingly.

ANNOUNCEMENTS

The Judiciary Committee designates LBs 899 and 570 as its priority bills.

The Agriculture Committee designates LB 911 as its priority bill.

The Government, Military and Veterans Affairs Committee designates LB 878 as its priority bill.

The Appropriations Committee designates LBs 130 and 764 as its priority bills.

The Banking, Commerce and Insurance Committee designates LBs 700 and 998 as its priority bills.

The Urban Affairs Committee designates LBs 934 and 862 as its priority bills.

The Health and Human Services Committee designates LB 1100 as its priority bill.

The Transportation Committee designates LB 1004 as its priority bill.

Mr. Chizek designates LB 866 as his priority bill.

Mr. Beyer designates LB 835 as his priority bill.

Mr. Korshoj designates LB 1143 as his priority bill.

Mr. Baack designates LR 265CA as his priority resolution.

Mr. Warner designates LB 836 as his priority bill.

Mr. Remmers designates LB 987 as his priority bill.

Mrs. Campbell designates LB 1030 as her priority bill.

Mr. Elmer designates LB 1042 as his priority bill.

Mr. Hannibal designates LB 1089 as his priority bill.

Mr. Landis designates LB 1083 as his priority bill.

Mr. Wehrbein designates LB 935 as his priority bill.

Mr. McFarland designates LB 904 as his priority bill.

Mr. Abboud designates LB 881 as his priority bill.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1143A. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1143, Ninetieth Legislature, Second Session, 1988.

PRESIDENT NICHOL PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 646.

A BILL FOR AN ACT relating to public buildings; to amend section 72-1119, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the enforcement of building and fire code regulations as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Coordsen	Johanns	Marsh	Schellpeper
Baack	Dierks	Johnson, L.	McFarland	Scofield
Barrett	Elmer	Johnson, R.	Miller	Smith
Beyer	Goodrich	Korshoj	Moore	Warner
Campbell	Haberman	Labedz	Morehead	Wehrbein
Chambers	Hall	Lamb	Nelson	Weihing
Chizek	Hannibal	Langford	Peterson	Wesely
Conway	Hartnett	Lynch	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Bernard-Stevens	Remmers	Schmit

Excused and not voting, 5:

Hefner	Higgins	Johnson, V.	Landis	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 693.

A BILL FOR AN ACT relating to nursing homes; to amend sections 71-161.01, 71-2041.01, 71-2042, 71-2045.01 to 71-2045.06, 71-2045.09, 71-5842, and 76-1304, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions for licensing nursing home administrators; to change continuing education requirements; to provide for examinations, inactive licenses, certified preceptors, and administrator-in-training programs; to change and eliminate provisions relating to reciprocal licensing; to provide for rules and regulations; to change provisions relating to the Board of Examiners in Nursing Home Administration, renewal of licenses, fees, and expenses; to correct a statutory reference; to harmonize provisions; and to repeal the original sections, and also section 71-2045.07, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Chizek	Hall	Labedz	Moore
Ashford	Conway	Hannibal	Lamb	Morehead
Baack	Coordsen	Hartnett	Langford	Nelson
Barrett	Dierks	Johanns	Lynch	Peterson
Beyer	Elmer	Johnson, L.	Marsh	Pirsch
Campbell	Goodrich	Johnson, R.	McFarland	Rogers
Chambers	Haberman	Korshoj	Miller	Schellpeper

Schmit	Smith	Wehrbein	Wesely	Withem
Scofield	Warner	Weihing		

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Remmers

Excused and not voting, 4:

Hefner	Higgins	Johnson, V.	Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 693A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 693, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Coordsen	Johnson, L.	Miller	Schmit
Ashford	Dierks	Johnson, R.	Moore	Scofield
Baack	Elmer	Korshoj	Morehead	Smith
Barrett	Goodrich	Labedz	Nelson	Warner
Beyer	Haberman	Lamb	Peterson	Wehrbein
Campbell	Hall	Lynch	Pirsch	Weihing
Chambers	Hannibal	Marsh	Rogers	Wesely
Chizek	Hartnett	McFarland	Schellpeper	Withem
Conway	Johanns			

Voting in the negative, 0.

Present and not voting, 3:

Bernard-Stevens	Langford	Remmers

Excused and not voting, 4:

Hefner	Higgins	Johnson, V.	Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 758.

A BILL FOR AN ACT relating to the Uniform Fraudulent Conveyance Act; to amend section 36-613, Reissue Revised Statutes of Nebraska, 1943; to provide for the assertion of third-party claims; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Johnson, L.	Miller	Schmit
Ashford	Dierks	Johnson, R.	Moore	Scofield
Baack	Elmer	Korshoj	Morehead	Smith
Barrett	Goodrich	Labedz	Nelson	Warner
Beyer	Haberman	Lamb	Peterson	Wehrbein
Campbell	Hall	Langford	Pirsch	Weihing
Chambers	Hannibal	Lynch	Rogers	Wesely
Chizek	Hartnett	Marsh	Schellpeper	Withem
Conway	Johanns	McFarland		

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Remmers

Excused and not voting, 4:

Hefner	Higgins	Johnson, V.	Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 814.

A BILL FOR AN ACT relating to highways and roads; to provide for the expenditure of funds for recreation road projects.

Whereupon the 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	Coordsen	Johanns	Miller	Smith
Ashford	Dierks	Johnson, L.	Nelson	Warner
Baack	Elmer	Johnson, R.	Pirsch	Wehrbein
Barrett	Goodrich	Labedz	Rogers	Weihing
Campbell	Hall	Lynch	Schellpeper	Wesely
Chizek	Hannibal	Marsh	Schmit	Withem
Conway	Hartnett	McFarland	Scofield	

Voting in the negative, 6:

Haberman	Langford	Moore	Morehead	Peterson
Lamb				

Present and not voting, 5:

Bernard-Stevens	Beyer	Chambers	Korshoj	Remmers

Excused and not voting, 4:

Hefner	Higgins	Johnson, V.	Landis

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 resolution: LR 284.

GENERAL FILE

LEGISLATIVE BILL 943. Title read. Considered.

Standing Committee amendment, AM1702, found in the Journal on page 471 for the Eleventh Day was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Elmer, Hefner, and Korshoj offered the following amendment:

to amend LB 943 on page 36, line 23 add the following new section 21:

"Sec. 21. That section 9-310, Uniform Commercial Code, be amended as follows: When a person in the ordinary course of his or her business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods ~~in the possession of~~ by such person given by statute or rule of law for such materials or services takes priority over a perfected security interest. ~~unless the lien is statutory and the statute expressly provides otherwise.~~

and renumber subsequent sections accordingly.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 646, 693, 693A, 758, and 814.

GENERAL FILE

LEGISLATIVE BILL 943. The pending Elmer-Hefner-Korshoj amendment found in this day's Journal was renewed.

Messrs. Lamb and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Rogers requested a ruling of the Chair on whether the Elmer-Hefner-Korshoj amendment is germane to the bill.

The Chair ruled the Elmer-Hefner-Korshoj amendment is not germane to the bill.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1015A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1015, Ninetieth Legislature, Second Session, 1988.

LEGISLATIVE BILL 259A. Introduced by Morehead, 30th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, Ninetieth Legislature, Second Session, 1988.

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 18, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

DeCamp Legal Services, P.C.
DeCamp, John W. - Lincoln, Victims of Commonwealth & State Securities all over Nebraska (Withdrawn 88/02/17)
Hart, Jack - Lincoln, Taxpayers for Quality Education
Johnson, Dick - Lincoln, Associated Builders and Contractors/Cornhusker Chapter
Linbo, Steven A. - Omaha, Cornhusker Casualty Company
Rasmussen, Dennis - Lincoln, Association of Independent Colleges & Universities of Nebraska, Inc.
Schaaf, Terry R. - Lincoln, Comtemporary Industries Midwest Inc.

Schimek, DiAnna R. - Lincoln (Withdrawn 88/02/14), Nebraska Democratic State Central Committee

ANNOUNCEMENTS

The Revenue Committee designates LBs 1039 and 1207 as its priority bills.

Mr. V. Johnson designates LB 518 as his priority bill.

Mrs. Nelson designates LB 890 as her priority bill.

Mrs. Higgins designates LB 463 as her priority bill.

Mr. Barrett designates LR 258CA as his priority resolution.

Mr. Schellpeper designates LB 1092 as his priority bill.

Mr. Peterson designates LB 1234 as his priority bill.

Mr. Lynch designates LB 942 as his priority bill.

Ms. Scofield designates LB 1091 as her priority bill.

Mr. Hefner designates LB 1079 as his priority bill.

Mrs. Johanns designates LB 1110 as her priority bill.

Mr. Chambers designates LB 1226 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 963. Title read. Considered.

Standing Committee amendments, AM1978, found in the Journal on page 792 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Baack renewed his pending amendment, AM2078, found in the Journal on page 879, and note the correction of the bill number to LB 963 found in the Journal on page 898.

Mr. Schmit offered the following amendment to the pending Baack amendment:

strike "January 1, 1990" and insert "July 1, 1989"; and strike "1991" and insert "1990".

Mr. L. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit amendment was adopted with 14 ayes, 0 nays, 27 present and not voting, and 8 excused and not voting.

The Baack amendment, as amended, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

ANNOUNCEMENTS

Mrs. Langford designates LB 38 as her priority bill.

Mr. Bernard-Stevens designates LB 1165 as his priority bill.

Mr. Lamb designates LB 1192 as his priority bill.

Mr. Ashford designates LB 855 as his priority bill.

Mr. Moore designates LB 823 as his priority bill.

Mr. Conway designates LB 1178 as his priority bill.

Mr. Miller designates LB 1105 as his priority bill.

The General Affairs Committee has withdrawn LB 1232 as its priority bill.

Mrs. Morehead designates LB 1232 as her priority bill.

Mrs. Marsh designates LB 926 as her priority bill.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 1190. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 19, 1988, at 10:55 a.m., were the following bills: 646, 814, 758, 639A, and 693.

(Signed) Pam Moravec, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 286. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Hall, 7th District; Johanns, 27th District; Smith, 33rd District.

PURPOSE: To study Nebraska's statutes on municipal ownership and operation of utilities and determine the quality and status of such operations in the state.

In the debate surrounding LB 1190 in this legislative session and LB 663 in the last session the role of municipalities in the ownership and regulation of natural gas utilities was spotlighted. With new interest in joint municipal ownership and operation of natural gas utilities the need for a review of current state statutes has become important.

Since the Legislature last addressed the issue of municipal utilities the energy needs of and energy costs to Nebraska citizens have become a matter of paramount importance. With federal deregulation and consequent swings in the cost of basic energy sources the need for a review of current legislation has become vitally important.

This study would involve a review of current and proposed municipal utility operations, the quality of service provided, the costs involved with such operations, the services provided to consumers, the appropriate terms for future municipal operation, and statutory changes necessary in the current economy to guarantee the best service possible to Nebraska municipal consumers.

The study would include a review of municipal proprietary operations in other states, levels of state oversight and regulation in those states, current federal laws and their implications for Nebraska municipal operations, and an appropriate role for the State of Nebraska in the operations of municipal utilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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.

GENERAL FILE

LEGISLATIVE BILL 934. Title read. Considered.

Standing Committee amendment, AM1756, found in the Journal on page 530 for the Fourteenth 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 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1100. Title read. Considered.

Standing Committee amendments, AM1822, found in the Journal on page 626 for the Seventeenth Day were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Wesely renewed his pending amendment, AM2023, found in the Journal on page 835.

The Wesely amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Moore offered the following amendment:
AM2109

1. Insert the following new section:

Sec. 33. That section 71-1,136.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,136.01. Each Nebraska-licensed optometrist in active practice within the State of Nebraska shall be required on or before August 1 of each even-numbered year, commencing in 1986, to attend thirty-two hours biennially <u>of which sixteen hours shall be earned annually each year commencing August 1, 1990,</u>

of such approved scientific schools, clinics, forums, lectures, or optometric educational seminars, as may be announced and approved by the Board of Examiners in Optometry, as a prerequisite for the licensee's next subsequent license renewal if at least sixteen hours of such educational program are conducted annually in the State of Nebraska and at least thirty-two hours of such educational program are conducted biennially in the State of Nebraska.

Each licensed optometrist in active practice within the State of Nebraska shall, on or before August 1 of each even-numbered year, certify on forms provided by the Board of Examiners in Optometry that he or she has complied with sections 71-1,133 to 71-1,136 and this section during the preceding two-year period. Such board of examiners shall, on or before August 1 of each even-numbered year, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards. Licensees who have not complied with such requirements shall not be issued a renewal license unless exempt or excused for good cause shown. The department, on the recommendation of the Board of Examiners in Optometry, may waive continuing education requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which:

(1) The licensee holds a Nebraska license but is not practicing optometry in Nebraska;

(2) The licensee has served in the regular armed forces of the United States during part of the twenty-four months immediately preceding the license renewal date;

(3) The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the twenty-four months immediately preceding any license renewal date; and

(4) The licensee was first licensed within the twenty-four months immediately preceding the renewal date provided in section 71-110.

The department, with the consent of the Board

of Examiners in Optometry, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

Each licensee shall provide a sworn affidavit listing continuing education activities in which he or she participated or attended, the amount of credit received for each activity, and the date, location, and name of the approved provider which sponsored the activity on a separate form or portion of the license renewal application as may be designed by the department. Each licensee shall be responsible for maintaining in his or her personal files such certificates or records of credit from continuing education activities received from approved providers.

The board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing education credits. Each licensee selected for audit shall be required to produce documentation of his or her attendance at the continuing education seminars listed on his or her renewal application.".

2. On page 175, line 10, before "71-1,142" insert "71-1,136.01,".

3. Renumber remaining sections and change internal references accordingly.

The Moore amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1100A. 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 1117. Title read. Considered.

Messrs. Peterson and McFarland asked unanimous consent to be excused until they return. 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.

LEGISLATIVE BILL 1117A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 864 in the Journal. No objections. So ordered.

AM2090

1. Insert the following new sections:

"Sec. 71. This act shall become operative on July 1, 1988.

Sec. 73. 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 the remaining section accordingly.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 88 in the Journal. No objections. So ordered.

AM1858

1. On page 3, line 20, after "condition" insert ". A patient who is known by the attending physician to be pregnant shall not be deemed a qualified patient during the term of the pregnancy".

RESOLUTION

LEGISLATIVE RESOLUTION 287. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

WHEREAS, Chadron State College and the Board of Trustees of the Nebraska State Colleges have determined that a student union facility is required in order to provide for the student activity needs of the Chadron State College community; and

WHEREAS, section 85-403 provides for the construction of student unions and other buildings and structures with the cost thereof being financed by the issuance of revenue bonds, payable

solely out of their revenue other than funds derived from taxation; and

WHEREAS, section 85-404 empowers the Board of Trustees of the Nebraska State Colleges to proceed with such bond sale and the pledging of revenue and fees derived from the operation of such buildings and structures to meet the debt obligations incurred thereof, contingent upon the plans for such buildings or structures to be constructed, including financing plans, first being submitted for approval to the Legislature; and

WHEREAS, the architectural firm of Bahr, Vermeer and Haecker of Omaha, Nebraska has developed architectural plans for a student union facility at Chadron State College and the firms of Chiles, Heider and Company, Inc. and Cline, Williams, Wright, Johnson and Oldfather, revenue bond financial and legal consultants, respectively, to the board of trustees have developed a viable financing plan; and

WHEREAS, the Board of Trustees of the Nebraska State Colleges on December 22, 1987, adopted a resolution approving such plans; and

WHEREAS, pursuant to section 85-404 such plans were submitted to the Legislature for approval on January 27, 1988.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That pursuant to section 85-404 the resolution of the Board of Trustees of the Nebraska State Colleges, dated December 22, 1987, is approved.

2. That revenue bonds issued to finance the project shall not exceed two million four hundred thousand dollars.

Laid over.

ANNOUNCEMENTS

Mr. Wesely designates LB 1072 as his priority bill.

Mrs. Pirsch designates LB 888 as her priority bill.

Mrs. Smith designates LB 1217 as her priority bill.

The Natural Resources Committee designates LBs 1031 and 1182 as its priority bills.

Mr. Schmit designates LB 457 as his priority bill.

The Nebraska Retirement Systems Committee designates LB 655 as its priority bill.

Mr. Goodrich designates LB 657 as his priority bill.

Mr. L. Johnson designates LB 1221 as his priority bill.

Mr. Coordsen designates LB 828 as his priority bill.

MOTION - Suspend Rules

Mr. Wehrbein moved to suspend the rules and withdraw LB 935 as his priority bill, and designate LR 249CA as his priority resolution.

Mr. Lynch 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 Wehrbein motion to suspend the rules prevailed with 30 ayes, 2 nays, 8 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendments to LB 88 in the Journal. No objections. So ordered.

(1)

AM1951

1. On page 7, strike beginning with "prohibit" in line 7 through "pain" in line 9 and insert "affect the responsibility of the attending physician or other health care provider to provide treatment, including nutrition and hydration, for a patient's comfort care or alleviation of pain.".

(2)

AM1884

1. On page 5, line 25, after "shall" insert "discuss with the declarant the effect of signing the declaration and of making it part of the medical record and shall then".

(3)

AM1968

1. Insert the following new section:

"Sec. 5. A declaration shall be effective for a period of five years from the date of its execution unless the declaration is sooner revoked in the manner prescribed in section 6 of this act. Nothing in the Rights of the Terminally Ill Act shall be construed to prevent a declarant from executing a declaration at any time in accordance with the formalities prescribed in section 4 of this act, including reexecution subsequent to diagnosis of a terminal condition. If the declarant has executed more than one declaration, the five-year period shall be determined from the date of execution of the last unrevoked declaration known to the attending physician.".

2. On page 7, line 5; and page 12, line 8, strike "9" and insert "10".

3. On page 12, line 12, strike "6" and insert "7"; and in line 22 strike "5" and insert "6".

4. Renumber the remaining sections accordingly.

ANNOUNCEMENT

The Health and Human Services Committee designates LB 1012 as its priority bill.

VISITORS

Visitors to the Chamber were Mary Martin from Alabama; Yvonne and Cecil Hager and family from McCook; 10 students and teacher from Springview School District 21; Peggy, Mason, and Melodie Barnes from Seward; 28 eighth grade students and teacher from School District 1-R, Grand Island; Kevin Wilkinson from Alliance; Carl Dierks from Chadron; and Leon McCoy from Neligh.

ADJOURNMENT

At 12:07 p.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Monday, February 22, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 22, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 22, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Senator Miller.

ROLL CALL

The roll was called and all members were present except Mr. Chizek and Mrs. Pirsch who were excused; Messrs. Abboud, Ashford, Chambers, Conway, Haberman, Hall, Hartnett, R. Johnson, Landis, Lynch, Moore, Schmit, Mesdames Labedz, and Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 900, line 16, strike "BILL" and insert "RESOLUTION".
The Journal for the Twenty-Ninth Day was approved as corrected.

MOTION - Withdraw LB 1107

Mr. Korshoj renewed the pending Chizek motion found in the Journal on page 899 to withdraw LB 1107.

The Chizek motion prevailed with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 281, LR 283, and LR 285.

RESOLUTION

LEGISLATIVE RESOLUTION 287. Read. Considered.

LR 287 was adopted with 33 ayes, 0 nays, and 16 not voting.

GENERAL FILE

LEGISLATIVE BILL 1127. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 1 nay, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 726. Title read. Considered.

Mr. Withem moved to indefinitely postpone LB 726.

Mr. Withem withdrew his pending motion to indefinitely postpone.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Schmit offered the following amendment:
AM2122

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature hereby finds and declares that parents and legal guardians have the primary responsibility of ensuring that their children receive the best education possible. In recognition of this responsibility, the Legislature intends through this act to provide educational options for parents and legal guardians to consider when deciding what school or school district is best for their children. This act shall allow parents and legal guardians when deciding what school or school district is best for their children to consider the following factors, including but not limited to:

(1) The size of the schools and school districts in the area;

(2) The distance children may have to travel and the ease and availability of transportation;

(3) The course offerings and extracurricular offerings of the schools and school districts in the area; and

(4) The quantity and quality of the staff at such schools and school districts.

Sec. 2. On or before April 15 of each year, a parent or legal guardian may submit a written request, on a form prescribed by the State Department of Education, to the school board or board of education of the public school district which his or her child attends or will attend requesting that such child attend school in another public school district the following school year. The school board or board of education shall grant such request and shall transmit a copy of the request to the public school district to which the parent or legal guardian chooses to send his or her child. For each request so granted, at the commencement of such school year, the sending school district shall pay the receiving district an amount equal to the receiving district's per pupil cost for the immediately preceding school year.

Sec. 3. On or before April 15 of each year, a parent or legal guardian may submit a written request, on a form prescribed by the State Department of Education, to the administrator of the attendance center of the public school district which his or her child attends or will attend requesting that such child attend a different attendance center within the district the following school year. The administrator shall grant such request and shall transmit a copy of such request to the attendance center to which the parent or legal guardian chooses to send his or her child and to the school board or board of education of the school district.

Sec. 4. The State Department of Education shall adopt and promulgate rules and regulations necessary to carry out this act.".

Mr. V. Johnson requested a ruling of the Chair on whether the Schmit amendment is germane to the bill.

The Chair ruled the Schmit amendment is not germane to the bill.

Mr. Lamb moved to indefinitely postpone LB 726.

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Goodrich's birthday.

GENERAL FILE

LEGISLATIVE BILL 726. The pending Lamb motion to indefinitely postpone was renewed.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Lamb motion to indefinitely postpone prevailed with 23 ayes, 14 nays, 7 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 288. Introduced by Barrett, 39th District.

PURPOSE: The purpose of this resolution is to examine the confirmation process used by the Legislature in reviewing appointments made by the Governor. The Nebraska Constitution in Article IV, sections 1 and 12, requires certain appointments made by the Governor be approved or disapproved by the Legislature. The rules of the Legislature require that nominations requiring confirmation by the Legislature are to be referred to the appropriate standing committee. The Legislature should examine whether the current process is adequate or whether changes are needed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a select committee of the Legislature consisting of the Speaker, the Chairperson of the Executive Board of the Legislative Council, and Chairpersons of the Health and Human Services Committee, the Natural Resources Committee, the Education Committee, the Government, Military and Veterans Affairs Committee, and the Transportation Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Select Committee shall receive staff support from the Clerk of the Legislature's Office and the Legislative Research Division.

3. 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 COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 551.

Correctly Engrossed

The following bills were correctly engrossed: 383, 383A, 557, and 557A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 383

The following changes, required to be reported for publication in the Journal, have been made:
ER0251

1. On page 12, lines 1 and 15, "a" has been inserted after "require"; and in lines 2 and 16 "systems" has been struck and "system" inserted.

2. On page 17, line 23, an underscored comma has been inserted after "system"; and in line 24, the underscored comma has been struck and "and" inserted.

Enrollment and Review Change to LB 551
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0252

1. In the Goodrich amendment, AM2039, adopted February 18, 1988:

a. On page 1, line 19, "year's" has been struck and "years'" inserted;

b. On page 5, lines 12 and 13, "of" has been inserted after "years";

c. On page 9, line 19, "school" has been inserted after "V"; and

d. On page 10, line 11, the stricken matter has been reinstated; and in line 12 the new matter has been struck.

Enrollment and Review Change to LB 557

The following changes, required to be reported for publication in the Journal, have been made:
ER0243

1. In the Wesely amendment, AM1986, adopted February 18, 1988, on page 1, line 14, "other" has been inserted after "any" and "regulated" has been inserted after "profession"; and in line 15 the period has been struck.

2. In the E & R amendment, AM5308, adopted February 18, 1988, on page 4, line 1, an underscored comma has been inserted after "Nutrition"; and in line 4 an underscored comma has been inserted after "services".

(Signed) Mary E. Sommermeyer
E & R Attorney

BILL ON FIRST READING

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

LEGISLATIVE BILL 1103A. Introduced by Morehead, 30th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1103, Ninetieth Legislature, Second Session, 1988.

REPORTS

Received report from the Nebraska Energy Office covering the financial condition of the Natural Gas Revolving Loan Fund for the quarter ending December 31, 1987 pursuant to Section 010, Neb. Rev. Stat. Sec. 19-4617.

Received quarterly report from the Department of Roads for the Nebraska State Highway Commission as of December 31, 1987.

ANNOUNCEMENTS

Speaker Barrett announced his priority bills and resolution are as follows: LB 220, LB 259, LB 766, LB 817, LB 832, LB 844, LB 847, LB 849, LB 856, LB 865, LB 922, LB 966, LB 990, LB 997, LB 1025, LB 1045, LB 1060, LB 1073, LB 1074, LB 1097, LB 1124, LB 1126, LB 1128, LB 1233, and LR 7CA.

Mr. Warner announced the Appropriations Committee will meet in executive session at 1:30 p.m. on February 22 through February 26, 1988, in Room 1003.

UNANIMOUS CONSENT - Print in Journal

Messrs. Miller, R. Johnson, Baack, and Moore asked unanimous consent to print the following amendment to LB 664 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2112.)

GENERAL FILE

LEGISLATIVE BILL 326. Passed over.

LEGISLATIVE BILL 294. Title read. Considered.

Standing Committee amendments, AM1450, found in the Journal on page 2431 for the Eighty-Fifth Day, First Session, 1987, were considered.

MR. LAMB PRESIDING

Mr. Hartnett 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. Haberman asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendments were adopted with 25 ayes, 7 nays, 12 present and not voting, and 5 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 190, 475, 520, 602, 606, 828, and 871.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 520

The following changes, required to be reported for publication in the Journal, have been made:
ER0247

1. In lieu of amendment 1 of the McFarland amendment, AM2038, adopted February 18, 1988:

a. On page 2, lines 22 to 23, "the decision to reorganize" has been struck and "the last legal action, as prescribed in section 79-402, necessary to effect the changes in boundaries as set forth in the petition" inserted;

b. On page 3, lines 19 to 20, "the decision to reorganize" has been struck and "the last legal action, as prescribed in section 79-426.18, necessary to effect the changes in boundaries as set forth in the plan of reorganization" inserted; and

c. On page 5, line 25, "the decision to reorganize" has been struck and "the last legal action, as prescribed in section 79-402, 79-426.18, or 79-426.26, necessary to effect the changes in boundaries as set forth in the petition or plan of reorganization" inserted.

2. On page 1, line 2, "79-1254.07," has been inserted after the third comma; and in line 7 "to provide for the commencement of

preferred rights to reemployment for certain employees;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 602

The following changes, required to be reported for publication in the Journal, have been made:
ER0245

1. In the Baack amendment, AM1959, adopted February 18, 1988:

a. On page 2, line 2, "commission" has been struck and "commissioner" inserted; in line 14 "and" has been struck and ", and services" has been inserted after "equipment"; and in line 21 paragraphing has been inserted before "The";

b. On page 3, line 14, "percentage" has been struck and shown as stricken; and

c. On page 4, line 11, paragraphing has been inserted before "The".

2. On page 1, line 1, "section 32-226, Reissue Revised Statutes of Nebraska, 1943, and" has been inserted after "amend"; in line 2 "and 23-3105" has been struck and "to 23-3106" inserted; and in line 5 "to provide for the purchase of election supplies, materials, equipment, and services as prescribed;" has been inserted after the semicolon.

Enrollment and Review Change to LB 828

The following changes, required to be reported for publication in the Journal, have been made:
ER0246

1. In the E & R amendment, AM5315, adopted February 18, 1988, on page 1, line 19, the matter beginning with "and" through the last quotation mark has been struck.

2. On page 1, line 5, "which is obsolete or not usable" has been inserted after "property".

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 1102. Placed on General File as amended.
Standing Committee amendment to LB 1102:
AM2087

1. Strike the original sections and insert the following new sections:

"Section 1. That section 60-574, Revised Statutes Supplement, 1986, be amended to read as follows:

60-574. Underinsured motor vehicle shall mean a motor vehicle with respect to the ownership, operation, maintenance, or use of which there is bodily injury liability insurance or a bond applicable at the time of the accident and the ~~amount~~ limit of the insurance or bond ~~(1)~~ is less than the amount of the damages sustained by the insured. ~~limit for underinsured motorist coverage under the insured's policy or (2) has been reduced by payments to persons, other than an insured, injured in the accident to less than the limit for underinsured motorist coverage under the insured's policy.~~

Sec. 2. That section 60-578, Revised Statutes Supplement, 1986, be amended to read as follows:

60-578. ~~(1) The maximum liability of the insurer under the underinsured motorist coverage shall be the lesser of:~~

~~(a) The difference between the limit of underinsured motorist coverage and the amount paid to the insured by or for any person or organization which may be held legally liable for the bodily injury, sickness, disease, or death; or~~

~~(b) The amount of damages sustained but not recovered.~~

~~(2) In no event shall the liability of the insurer under such coverage be more than the limits of the underinsured motorist coverage provided.~~

(1) The insurer offering underinsured motorist coverage shall notify and fully and fairly inform the insured of the following options with respect to such coverage:

(a) The insured may elect to reject in writing any and all underinsured motorist coverage;

(b) The insured may elect to accept in writing underinsured motorist coverage with respect to which the maximum liability of the insurer under such a policy shall be the lesser of:

(i) The difference between the limit of underinsured motorist coverage and the amount paid to

the insured by or for any person or organization which may be held legally liable for the bodily injury, sickness, disease, or death; or

(ii) The amount of damages sustained but not recovered up to but not exceeding the limits of the underinsured motorist coverage provided; or

(c) The insured may elect to accept in writing underinsured motorist coverage with respect to which the maximum liability of the insurer under such a policy shall be the greater of:

(i) The difference between the limit of underinsured motorist coverage and the amount paid to the insured by or for any person or organization which may be held legally liable for the bodily injury, sickness, disease, or death; or

(ii) The amount of damages sustained but not recovered up to but not exceeding the limits of the underinsured motorist coverage provides.

(2) Any provision in a contract for insurance of underinsured motorist coverage which purports to limit the liability of the insurer in a manner inconsistent with this section shall be null and void as against public policy.

Sec. 3. This act shall become operative on July 1, 1989.

Sec. 4. That original sections 60-574 and 60-578, Revised Statutes Supplement, 1986, are repealed.".

(Signed) R. W. Remmers, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 940 in the Journal. No objections. So ordered.

AM2102

(Amendments to AM1851)

1. Insert the following new section:

"Sec. 7. Each school district which accepts nonresident high school students pursuant to sections 79-494 to 79-4,105 shall be reimbursed for not less than the per pupil cost in the school district as stated in the immediately preceding annual term finance report on

file with the State Department of Education.".

2. On page 12, line 22, strike "9" and insert "10".

3. Renumber the remaining sections accordingly.

MOTION - Place LB 1162 on General File

Mr. Schmit moved to place LB 1162 on General File notwithstanding the action of the Revenue Committee.

Laid over.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Gene Hennek from Georgetown, Colorado; and Holly Crocker, Courtney Kuebler, Kara, Julie, and Jane Kotsiopulos.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Tuesday, February 23, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 23, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 23, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. William Zastrow, St. Peters Lutheran Church, North Bend, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Hall, R. Johnson, Landis, McFarland, Moore, Mrs. Labedz, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirtieth Day was approved.

REPORT

Received minutes of the Board of Public Roads Classifications and Standards for December, 1987.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 253CA. Placed on General File.

LEGISLATIVE BILL 847. Placed on General File.
LEGISLATIVE BILL 1106. Placed on General File.
LEGISLATIVE BILL 1159. Placed on General File.

LEGISLATIVE BILL 144. Indefinitely postponed.
LEGISLATIVE BILL 188. Indefinitely postponed.
LEGISLATIVE BILL 586. Indefinitely postponed.
LEGISLATIVE BILL 850. Indefinitely postponed.
LEGISLATIVE BILL 1001. Indefinitely postponed.
LEGISLATIVE BILL 1084. Indefinitely postponed.
LEGISLATIVE BILL 1215. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 845, 872, 874, 930, and 980.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 874

The following changes, required to be reported for publication in the Journal, have been made:
ER0253
1. In the E & R amendments, AM5332, adopted February 18, 1988, amendment 17 has been struck and the remaining amendments renumbered accordingly.

Enrollment and Review Change to LB 930

The following changes, required to be reported for publication in the Journal, have been made:
ER0254
1. On page 1, line 1, "foster family homes" has been struck and "fees" inserted.

Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE RESOLUTION 249CA. Placed on General File.

LEGISLATIVE BILL 1138. Placed on General File.

LEGISLATIVE BILL 855. Placed on General File as amended.
Standing Committee amendments to LB 855:
AM2074

1. Insert the following new sections:

"Section 1. The Legislature hereby finds and declares that as a result of the passage of this legislative bill there will be a loss in revenue to the state and political subdivisions of approximately two hundred fifteen thousand dollars per year from the elimination of the premium tax on nontax-qualified annuities for the next three years, until the growth, new employment, and investment contemplated in such bill result in sufficient additional revenue to the state to replace such lost revenue.

Sec. 2. For the purpose of providing the funds necessary to replace the revenue lost as a result of passage of this legislative bill, the Director of Insurance shall make an assessment of two hundred fifteen thousand dollars per year for the years 1988, 1989, and 1990 against those Nebraska domestic life insurance companies which write nontax-qualified annuities within Nebraska. Assessments shall be in the proportion that the nontax-qualified annuity premiums and deposits written in Nebraska by each domestic insurer in the calendar year immediately prior to the year assessed bears to the total nontax-qualified annuity premiums and deposits written by all Nebraska domestic life insurers from business written in the State of Nebraska in that year.

Sec. 3. The funds generated pursuant to section 2 of this act shall be disbursed by the Director of Insurance in accordance with sections 77-912 and 77-913.

Sec. 6. This act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1988.".

2. On page 3, line 12, after "on" insert "all"; in line 13 strike "or" and insert "and"; in line 15 strike "805(d)(1)", show as stricken, and insert "818(a)" and strike "1954", show as stricken, and insert "1986"; and in line 16 strike "as of January 1, 1965,", show as stricken, and insert an underscored comma.

3. On page 5, line 11, after "on" insert "all" and strike "or" and insert "and"; and in line 15 strike "1954", show as stricken, and insert "1986".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1207. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2108.)

LEGISLATIVE BILL 844. Indefinitely postponed.
LEGISLATIVE BILL 873. Indefinitely postponed.
LEGISLATIVE BILL 914. Indefinitely postponed.
LEGISLATIVE BILL 915. Indefinitely postponed.
LEGISLATIVE BILL 1050. Indefinitely postponed.
LEGISLATIVE BILL 1086. Indefinitely postponed.
LEGISLATIVE BILL 1112. Indefinitely postponed.
LEGISLATIVE BILL 1201. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 963A. Introduced by Weihing, 48th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 963, Ninetieth Legislature, Second Session, 1988; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 294. Mr. Abboud moved to indefinitely postpone.

Mr. Abboud moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Abboud requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 22:

Abboud	Campbell	Haberman	Langford	Remmers
Ashford	Chizek	Hannibal	Marsh	Smith
Bernard-Stevens	Coordsen	Hefner	Nelson	Wehrbein
Beyer	Elmer	Johanns	Peterson	Weihing
	Goodrich	Johnson, L.		

Voting in the negative, 22:

Baack	Hartnett	Lamb	Moore	Scofield
Barrett	Higgins	Landis	Morehead	Warner
Chambers	Johnson, R.	Lynch	Rogers	Wesely
Conway	Johnson, V.	Miller	Schellpeper	Withem
Dierks	Korshoj			

Absent and not voting, 1:

Schmit

Excused and not voting, 4:

Hall	Labedz	McFarland	Pirsch

The Abboud motion to indefinitely postpone lost with 22 ayes, 22 nays, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Barrett	Dierks	Higgins	Korshoj	Landis
Chambers	Hall	Johnson, R.	Labedz	Lynch
Conway	Hartnett	Johnson, V.	Lamb	Marsh

McFarland	Morehead	Schellpeper	Warner	Wesely
Miller	Peterson	Scofield	Wehrbein	Withem
Moore	Rogers			

Voting in the negative, 20:

Abboud	Beyer	Elmer	Hefner	Nelson
Ashford	Campbell	Goodrich	Johanns	Remmers
Baack	Chizek	Haberman	Johnson, L.	Schmit
Bernard-Stevens	Coordsen	Hannibal	Langford	Weihing

Present and not voting, 1:

Smith

Excused and not voting, 1:

Pirsch

Advanced to E & R for Review with 27 ayes, 20 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 857, 893, 957, and 975.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 975

The following changes, required to be reported for publication in the Journal, have been made:
ER0248

1. On page 1, line 1, "city" has been struck; in line 2 "section 3-502" has been struck and "sections 3-502 and 3-616" inserted; in line 4 "on city airport authorities; to change a provision relating to the payment of income and other money of a county airport

authority" has been inserted after "vacancies"; and in line 5 "section" has been struck and "sections" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 897. Placed on General File.
LEGISLATIVE BILL 903. Placed on General File.

LEGISLATIVE BILL 937. Indefinitely postponed.
LEGISLATIVE BILL 1023. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

Urban Affairs

LEGISLATIVE BILL 1153. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1226. Placed on General File as amended.
Standing Committee amendments to LB 1226:
AM2125

1. Strike original sections 1 to 8.
2. On page 16, line 1, strike "9" and insert "1"; and in lines 3 and 4 strike "on April 15, 1989" and insert "whenever laws requiring (1) the payment of football players as employees and (2) that football players be entitled to employee rights and benefits are enacted in four additional states which have athletic teams which are members of the Big Eight Conference".
3. Renumber the remaining sections accordingly.

(Signed) Dennis Baack, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 289. Introduced by Beyer, 3rd District.

WHEREAS, Gretna High School performed a one-act play, They Dance Real Slow in Jackson, about the problems of a handicapped adolescent; and

WHEREAS, the play was directed by Carole Carraher and a cast of approximately thirty-six persons participated in the production which is unusual for a one-act play; and

WHEREAS, after performing in Gretna, the cast travelled to Lincoln to perform for handicapped adolescents at the regional center; and

WHEREAS, the production won the district competition and the Class B State Championship Play Production in Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby extends its congratulations to Gretna High School, the cast, director, and all others who participated in making the show a success.

2. That a copy of this resolution be sent to the principal of Gretna High School.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 972 in the Journal. No objections. So ordered.

AM2119

(Amendments to Standing Committee amendments, AM1751)

1. On page 1, strike beginning with "Any" in line 5 through "year" in line 12 and insert "Any sale of farm tractors and implements of husbandry as defined in section 39-602, except all-terrain vehicles and trucks as defined in section 60-301, shall be exempt if such tractor or implement has been in use for more than one year. For purposes of this subdivision, the period of time the tractor or implement was in use shall not include any period of time such tractor or implement was leased or rented".

Mr. Remmers asked unanimous consent to print the following amendment to LB 996 in the Journal. No objections. So ordered.

AM2113

1. Insert the following new section:

"Section 1. That section 8-148, Revised Statutes Supplement, 1987, be amended to read as follows:

8-148. (1) Except as provided in subsection (2) or (3) of this section, a bank shall not make any loan or discount on the security of the shares of its own capital stock or, after August 30, 1987, the capital stock of its holding company, if any, be the purchaser or holder of any such shares, or purchase any securities convertible into stock or, except as provided in section 8-149, the shares of any corporation, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith. Such stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale, or in default thereof, a receiver may be appointed to close up the business of the bank, except that such stock, if shares of another bank or a bank holding company, shall be so sold or disposed of as the Director of Banking and Finance shall require. In no case shall the amount of stock so held at any one time exceed ten percent of the paid-up capital of such bank.

(2) Any bank may subscribe to, invest, purchase, and own shares of investment companies registered under the Investment Company Act of 1940 when the investment companies' assets consist of and are limited to obligations that are eligible for investment by the bank. The department may adopt and promulgate rules and regulations governing the amounts, terms, and conditions of such subscriptions, investments, purchases, and ownership.

(3) Any bank may subscribe to, invest, purchase, and own Student Loan Marketing Association stock, Government National Mortgage Association stock, ~~or~~ Federal National Mortgage Association stock, or Federal Agricultural Mortgage Corporation stock. Such bank shall not obligate more than five percent of its capital surplus, undivided profits, and unencumbered

reserves for such stock.".

2. On page 4, line 2, strike "and"; and in line 3 after the last comma insert "and section 8-148, Revised Statutes Supplement, 1987,".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 657. Title read. Considered.

Mr. Goodrich renewed his pending amendment found in the Journal on page 714.

The Goodrich amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 19 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.

RESOLUTIONS

LEGISLATIVE RESOLUTION 290. Introduced by Moore, 24th District.

WHEREAS, the York High School wrestling team won the Class B State Wrestling title on February 20, 1988; and

WHEREAS, the York High School wrestling team through hard work, determination, and a lot of heart won that title when no one expected it to do so; and

WHEREAS, the accomplishments of the coaches and wrestlers should be commended and are deserving of special recognition for their ability to fight adversity and come out on top.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature of Nebraska extends its congratulations to the York High School wrestling team.

2. That a copy of this resolution be presented to the team in appreciation of its effort.

Laid over.

LEGISLATIVE RESOLUTION 291. Introduced by Moore, 24th District.

WHEREAS, the Centennial High School wrestling team won the Class C state wrestling title on February 20, 1988; and

WHEREAS, the Centennial High School wrestling team won this championship through hard work, determination, and a willingness to go the extra mile to make such a championship possible; and

WHEREAS, the accomplishments of both the coaches and the wrestlers are deserving of special recognition not only at the state meet but throughout the entire wrestling season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature of Nebraska extends its congratulations to the Centennial High School wrestling team.

2. That a copy of this resolution be presented to the team in appreciation of its effort.

Laid over.

LEGISLATIVE RESOLUTION 292. Introduced by Conway, 17th District.

WHEREAS, this is the thirteenth anniversary of the ending of the war in Vietnam and the women who served in that war have not been fully recognized for their duty and sacrifices; and

WHEREAS, of these women in uniform in all branches of service who served in the Vietnam War, many served in combat areas, dedicating their lives to help our wounded and in many cases coming under direct fire, and gave their own lives or were wounded while trying to protect our wounded servicemen; and

WHEREAS, the servicewomen of the Vietnam War served in many varying occupations and many brought comfort and care to those who were dying of their wounds; and

WHEREAS, many of these women of the Vietnam War were decorated for their bravery and eight servicewomen lost their lives while protecting and bringing medical care to the wounded; and

WHEREAS, both the 86th and 87th National Conventions of the Veterans of Foreign Wars of the United States have adopted resolutions supporting the Vietnam Women's Memorial Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature supports the Vietnam Women's Memorial Project as a national project to honor all servicewomen who served during the Vietnam War, which project will complete the National Vietnam Veterans Memorial in Washington, D.C.

2. That the Department of the Interior, the National Capitol Planning Commission, the Commission of Fine Arts, or Congress, if necessary, be encouraged to approve the needed land at the Vietnam Veterans Memorial site in Washington, D.C. for the addition of a statue depicting a woman veteran.

3. That a copy of this resolution be sent by the Clerk of the Legislature to each member of the Nebraska Congressional delegation, the Secretary of the Department of the Interior, the Director of the National Capital Planning Commission, the Director of the Commission of Fine Arts, the Speaker of the United States House of Representatives, and to the President Pro Tem of the United States Senate.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 664. Considered.

Messrs. Miller, R. Johnson, Baack, and Moore renewed their pending amendment, AM2112, printed separate from the Journal and referred to on page 931.

Mr. Schmit offered the following amendment to the pending Miller et al. amendment:

AM2162

(Amendments to the Miller amendment, AM2112)

1. Strike amendment 1 and insert the following new amendments:

"1. On page 3, line 16; page 4, line 12; page 6, lines 18 and 19; page 7, lines 3 and 8; page 9, lines 3 and 5; page 10, lines 1 and 2; and page 11, lines 5 and 11 and 12, strike 'Attorney General' and insert 'Department of Agriculture or any other appropriate state agency designated by the Governor'.

2. On page 3, line 25, strike 'Attorney'.

3. On page 4, line 1, strike 'General' and

insert 'Department of Agriculture or any other appropriate state agency designated by the Governor'.

4. On page 10, lines 12 and 13, strike 'Attorney General's office' and insert 'Department of Agriculture or any other appropriate state agency designated by the Governor'.".

Mr. Moore requested a ruling of the Chair on whether the Schmit amendment is germane to the pending Miller et al. amendment.

The Chair ruled the Schmit amendment is not germane to the Miller et al. amendment.

Mr. Schmit offered the following amendment to the pending Miller et al. amendment:

Amend the Miller amendment (AM2112) by striking therein on Pg. 1 lines 1 through 3 as well as sections 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and insert the following:

1. On page 3, line 16; page 4, line 12; page 6, lines 18 and 19; page 7, lines 3 and 8; page 9, lines 3 and 5; page 10, lines 1 and 2; and page 11, lines 5 and 11 and 12, strike "Attorney General" and insert "Department of Agriculture or any other appropriate state agency designated by the Governor".

2. On page 3, line 25, strike "Attorney".

3. On page 4, line 1, strike "General" and insert "Department of Agriculture or any other appropriate state agency designated by the Governor".

4. On page 10, lines 12 and 13, strike "Attorney General's office" and insert "Department of Agriculture or any other appropriate state agency designated by the Governor".

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Elmer 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. Schmit moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Ashford	Hall	Lamb	McFarland	Schmit
Chambers	Higgins	Landis	Morehead	Wesely
Dierks	Labedz	Marsh	Rogers	Withem

Voting in the negative, 27:

Abboud	Chizek	Hannibal	Moore	Scofield
Baack	Conway	Hefner	Nelson	Smith
Barrett	Coordsen	Johanns	Peterson	Warner
Bernard-Stevens	Elmer	Johnson, L.	Remmers	Wehrbein
Campbell	Goodrich	Langford	Schellpeper	Weihing
	Haberman	Miller		

Present and not voting, 5:

Hartnett	Johnson, R.	Johnson, V.	Korshoj	Lynch

Excused and not voting, 2:

Beyer	Pirsch

The Schmit amendment lost with 15 ayes, 27 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The pending Miller et al. amendment was adopted with 29 ayes, 12 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Moore asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 664A. 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.

RESOLUTION

LEGISLATIVE RESOLUTION 293. Introduced by Abboud, 12th District.

WHEREAS, Jack Payne will be retiring this year from KFAB Radio in Omaha; and

WHEREAS, Jack has made tremendous contributions to the local and regional sports scene; and

WHEREAS, these contributions include: serving as a play-by-play announcer and color commentator for sporting events involving Creighton University, the University of Nebraska at Omaha, and the University of Nebraska at Lincoln; actively supporting the Omaha Mustangs, Omaha Knights, Omaha Royals, Aksarben racing, the Fellowship of Christian Athletes, the Catholic Youth Organization, and all forms of athletic competition on the high school level; and

WHEREAS, since 1951, the name Jack Payne has been synonymous with the brightest jewel in Omaha's sports crown, the College World Series.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its appreciation and gratitude to Jack Payne for lending his time, his talents, and, most of all, his class, to a wide range of athletic endeavors in the State of Nebraska.

2. That a copy of this resolution be sent to Jack and his wife, Connie, to commemorate Jack's retirement.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 980A. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to appropriations; to change an appropriation to carry out the provisions of Legislative Bill 980, Ninetieth Legislature, Second Session, 1988.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 519, 838, 853, 854, 854A, 962, 993, 994, and 995.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 838

The following changes, required to be reported for publication in the Journal, have been made:
ER0250

1. In the Schellpeper amendment, AM2034, adopted February 18, 1988:

a. On page 1, line 5, the comma has been struck; and in line 19 "machinery and" has been inserted after "farm";

b. On page 3, line 9, a comma has been inserted after "shall" and the comma has been struck; and in line 22 a comma has been inserted after "Agriculture";

c. On page 4, line 3, "farm" has been inserted after "antique" and "farm" has been struck; and in line 8 "commission" has been struck and "Antique Farm Machinery and Equipment Commission" inserted; and

d. On page 5, line 2, "commission" has been struck and "Antique Farm Machinery and Equipment Commission" inserted.

2. On page 1, line 2, "Machinery and" has been inserted after "Farm"; in line 4 the second semicolon has been struck; and the matter beginning with the second "to" in line 4 through "fund" in line 5 has been struck.

Enrollment and Review Change to LB 853

The following changes, required to be reported for publication in the Journal, have been made:
ER0355

1. On page 5, line 18, the second "a" has been struck.

Enrollment and Review Change to LB 962

The following changes, required to be reported for publication in the Journal, have been made:

ER0249

1. In the E & R amendments, AM5326, adopted February 18, 1988, on page 1, line 2, "members to" has been inserted after "of".

Enrollment and Review Change to LB 993

The following changes, required to be reported for publication in the Journal, have been made:

ER0242

1. On page 1, line 1, "banks and banking" has been stricken and "building and loan associations" inserted.

2. On page 3, line 1, after "30" an underscored period has been inserted and the matter beginning with "provided" in line 1 through the period in line 2 has been struck and shown as stricken.

Enrollment and Review Change to LB 994

The following changes, required to be reported for publication in the Journal, have been made:

ER0256

1. In the E & R amendment, AM5321, adopted February 18, 1988, on page 1, line 4, "or other receiver" has been inserted after "Corporation".

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 1036. Indefinitely postponed.
LEGISLATIVE BILL 1096. Indefinitely postponed.

(Signed) Timothy Hall, Chairperson

General Affairs

LEGISLATIVE BILL 901. Placed on General File.
LEGISLATIVE BILL 909. Placed on General File.
LEGISLATIVE BILL 929. Placed on General File.

LEGISLATIVE BILL 971. Indefinitely postponed.

(Signed) Patricia S. Morehead, Chairperson

Health and Human Services

LEGISLATIVE BILL 1188. Placed on General File.

LEGISLATIVE BILL 1056. Placed on General File as amended.
Standing Committee amendments to LB 1056:
AM2101

1. On page 2, line 11, after "may" insert "(1)"; in lines 12 and 13 strike the new matter and reinstate the stricken matter; in line 13 after "licenses" insert "of such health care facilities or (2) take other disciplinary measures against the license of any such health care facility other than a hospital,"; in line 15 strike "(1)", show as stricken, and insert "(a)"; in line 19 strike "(2)", show as stricken, and insert "(b)"; and in line 21 strike "(3)", show as stricken, and insert "(c)".

2. On page 4, line 11, after "home" insert "or a hospital"; in line 13 strike "other than a hospital"; and in lines 14 to 15 strike "subdivisions (1) to (3) of".

3. On page 5, lines 10 and 24, strike "subdivisions (1) to (3) of".

4. On page 7, line 9, strike "subdivisions (1) to (3) of".

5. On page 8, line 8, strike ", director,"; and in line 23 strike "five" and insert "twenty".

LEGISLATIVE BILL 1026. Placed on General File as amended.
Standing Committee amendments to LB 1026:
AM2173

1. On page 4, lines 10 and 11, strike "12 to 20" and insert "11 to 17".

2. On page 10, line 10, strike "message" and insert "massage".

3. On page 13, line 22, strike "the effective date of this act" and insert "August 1, 1988,".

4. On page 14, strike beginning with "that" in line 2 through "section" in line 3 and insert "of five years".

5. Strike original section 8.

6. On page 24, line 15, after the comma

insert "massage therapy,".

7. On page 26, strike beginning with "taking" in line 17 through line 25.

8. On page 27, strike beginning with "territory" in line 1 through "for" in line 2; in line 4 strike "two" and insert "three"; in lines 6 and 8 strike "fifty" and insert "one hundred" and strike "one" and insert "three"; in line 9 strike "fifty" and insert "one hundred"; and in line 10 strike "one" and insert "four".

9. On page 28, line 11, reinstate the stricken "(1)"; in line 12 strike "12 to 20" and insert "11 to 17"; in line 14 strike "(1)" and insert "(a)"; in line 15 strike "(a)" and insert "(i)"; in line 17 strike "(b)" and insert "(ii)"; in line 19 strike "(c)" and insert "(iii)"; in line 22 strike "(d)" and insert "(iv)"; and in lines 24 and 25 strike "not less than six" and insert "up to twelve".

10. On page 29, line 4, after "management" insert ". The remaining three hundred hours shall be obtained in subject areas related to the clinical practice of massage therapy."; in line 5 strike "(2)" and insert "(b)" and after "any" insert "duly licensed"; in line 6 strike "(a)"; strike beginning with "and" in line 7 through "71-107"; and in line 11 strike "(3)" and insert "(c)".

11. On page 30, line 10, strike "(4)" and insert "(d)"; in line 12 strike "purpose of" and insert "purposes of enhancing muscle relaxation, reducing stress, improving circulation, or"; strike beginning with "any" in line 15 through "licensed" in line 18 and insert "diagnosis or treatment or use of any procedure for which a license"; in line 18 strike the second "or" and insert "chiropractic, or podiatry, nor"; and after line 22 insert the following new subsection:

"(2) The Department of Health shall adopt and promulgate rules and regulations as it may deem necessary with reference to the conditions under which the practice of massage shall be carried on and the precautions necessary to be employed to prevent the spread of infectious and contagious diseases. The department shall have the power to enforce sections 11 to 17 of this act and all necessary inspections in connection therewith.".

12. Strike original section 14.

13. On page 31, line 2, strike "12" and insert "11"; in line 18 strike "the effective date of this act" and insert "August 1, 1988".

14. On page 32, line 7, strike "the effective date of this act" and insert "August 1, 1988,"; in lines 10 and 18 and 19 strike "the effective date of this act" and insert "August 1, 1988"; and strike line 25.

15. On page 33, strike lines 1 to 19 and insert:

"(2) Any license issued under the provision of law in effect immediately prior to August 1, 1988, for either a person to engage in the practice of massage or the operation of a massage school or establishment shall be valid until November 1, 1989."; in line 20 strike "(5)" and insert "(3)"; and after line 23 insert:

"(4) Commencing in 1988, each Nebraska licensed massage therapist in active practice within the State of Nebraska shall be required to complete eighteen hours of continuing education every two years in accordance with sections 71-161.09 and 71-161.10 as a condition for licensure.".

16. Strike original section 19.

17. On page 36, line 24, strike "operative" and insert "effective".

18. On page 37, line 8, strike "71-131,".

19. Renumber the remaining sections accordingly.

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Thomas Tonniges, M.D. - Nebraska Child Abuse Prevention Fund Board

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Morehead, Schellpeper, and Wesely. Voting nay: None. Absent: Senator Lynch.

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Marilyn Wartig - Rural Health Manpower Board

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Morehead, Schellpeper, and Wesely. Voting nay: None. Absent: Senator Lynch.

The Committee on Health and Human Services 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. Laurence G. Lefler - State Board of Health

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Morehead, Schellpeper, and Wesely. Voting nay: None. Absent: Senator Lynch.

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Jo Lamb - Foster Care Review Board

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Lynch, Morehead, and Wesely. Voting nay: None. Absent: Senator Schellpeper.

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Burrell Williams - Foster Care Review Board

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Lynch, Morehead, and Wesely. Voting nay: None. Absent: Senator Schellpeper.

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Mabel Yvonne (Bonnie) Johnson - Nebraska Child Abuse Prevention Fund Board

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Lynch, Morehead, and Wesely. Voting nay: None. Absent: Senator Schellpeper.

The Committee on Health and Human Services 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. J. C. Marcum - State Board of Health

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Lynch, Morehead, and Wesely. Voting nay: None. Absent: Senator Schellpeper.

(Signed) Don Wesely, Chairperson

Transportation

LEGISLATIVE BILL 1005. Placed on General File.

LEGISLATIVE BILL 1195. Placed on General File as amended.
Standing Committee amendments to LB 1195:
AM2111

1. On page 2, line 17, after "shall" insert "willfully"; in line 18 after "demanded" insert "within seven days of receipt of such notice"; and in line 25 strike ", upon", show as stricken, and insert "be guilty of a Class I misdemeanor.".

2. On page 3, strike lines 1 through 4 and show the old matter as stricken.

3. On page 4, line 1, before "fail" insert "willfully"; in line 2 after "demanded" insert "within seven days of receipt of such notice"; and strike beginning with the first comma in line 9 through "imprisonment" in line 12, show the old matter as stricken, and insert "be guilty of a Class I misdemeanor".

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 703 in the Journal. No objections. So ordered.

AM2036

1. Strike original sections 1 and 3 and all amendments thereto and insert the following new section:

"Section. 1. That section 8-157, Revised Statutes Supplement, 1987, be amended to read as follows:

8-157. (1) ~~No bank shall maintain any branch bank, and except~~ Except as provided in subsections (2) to ~~(5)~~ (6) of this section and section 8-122.01, 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~~ branch bank if such ~~office~~ branch bank 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 branch 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 or detached office and~~ (b) except as provided in subsection (5) of this section, any bank may establish and maintain not more than five detached ~~auxiliary offices~~ branch banks at which all banking transactions allowed by law may be made. Such ~~auxiliary offices~~ detached branch banks shall be within the corporate limits of the city in which such bank is located. Any bank that establishes and maintains two or more ~~auxiliary offices~~ detached branch banks shall locate one of such ~~offices~~ branch banks within three miles of the premises specified as its place of business in its charter. ~~No auxiliary office shall be located within three hundred feet of another bank or within fifty feet of another auxiliary office.~~ Any detached ~~auxiliary office~~ branch bank established and maintained by a bank pursuant to the acquisition or merger of an institution under sections 8-1506 to 8-1510 shall not count against the number or location of detached ~~auxiliary offices~~ branch banks

permitted under this section.

(3) With the approval of the director, a bank may acquire another bank in Nebraska as the result of a purchase or merger so long as the acquired bank has been chartered for more than three years and the acquired institution and its detached ~~auxiliary offices~~ branch banks are converted to ~~auxiliary offices~~ branch banks of the acquiring bank. Such ~~auxiliary offices~~ branch banks shall not count against the number of locations of detached ~~auxiliary offices~~ branch banks permitted under subsections (1) and (2) of this section.

(4) With the approval of the director and subject to the limitations specified in this subsection, a single bank may establish one detached ~~auxiliary office~~ branch bank within the corporate limits of any municipality in which a financial institution has closed and ceased doing business within the preceding two years if no other financial institution operates ~~an office~~ a bank or branch bank within such municipality. If thirty days or less have elapsed since the financial institution ceased operation, the director shall only approve the establishment of a detached ~~auxiliary office~~ branch bank by a bank which has its place of business, as specified in its charter, in the same county as or in a contiguous county to the county in which such municipality is located. If more than thirty days have elapsed since the financial institution ceased operation, the director may approve the establishment of a detached ~~auxiliary office~~ branch bank by any bank located within Nebraska.

For the purposes of this subsection:

(a) An unmanned electronic terminal shall not be deemed to be ~~an office~~ a branch bank operated by a financial institution; and

(b) Financial institution shall mean a bank, savings bank, building and loan association, savings and loan association, industrial loan and investment company, credit union, or other institution offering electronic terminal transactions.

(5) With the approval of the director, any bank, the charter of which specifies that its premises or place of business is located within any Class 6 or Class 7 county as classified under section 23-1114.01 may establish, maintain, and operate a branch bank or

any number of branch banks within such Class 6 or Class 7 county. The director may only deny the establishment, maintenance, and operation of a branch bank pursuant to this subsection if there would be inadequate reserves and capital as a result of the establishment, maintenance, and operation of such branch bank.

(6) ~~(5)~~ The name given to any ~~detached~~ bank or branch bank established and maintained pursuant to this section shall not be substantially similar to the name of any existing bank or branch bank which is unaffiliated with the newly created bank or branch bank and is located in the same municipality. The name of such newly created bank or branch bank shall be approved by the director.".

2. On page 17, line 8, strike "sections" and insert "section"; and in line 9 strike "and 8-903" and strike "1986" and insert "1987".

3. Renumber the remaining section accordingly.

Messrs. Wesely and V. Johnson asked unanimous consent to print the following amendment to LB 229 in the Journal. No objections. So ordered.

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 68-1020, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1020. (1) Medical assistance shall be paid on behalf of dependent children, aged persons, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and all individuals less than twenty-one years of age who are eligible under section 1905(a) of the Social Security Act, as amended.

(2) The Director of Social Services shall provide, through rule and regulation, such medical assistance benefits to qualified individuals:

(a) Who are presumptively eligible as allowed under section 9407, Public Law 99-509, 100th Congress, 1986; and or

(b) Who have income at or below one hundred

percent of the Office of Management and Budget's income poverty guidelines, without regard to resources, including children up to such age as allowed under section 9401, Public Law 99-509, 100th Congress, 1986.

Sec. 2. That original section 68-1020, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

STANDING COMMITTEE REPORTS
Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dean Kratz - Commission on Industrial Relations

Voting aye: Senators Hall, Labedz, Korshoj, Coordsen, and Johanns. Voting nay: None. Absent: Senators Hefner and Chambers.

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Jeffrey Orr - Commission on Industrial Relations

Voting aye: Senators Hall, Labedz, Korshoj, Coordsen, and Johanns. Voting nay: None. Absent: Senators Hefner and Chambers.

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

John Peetz, III - Commission on Industrial Relations

Voting aye: Senators Hall, Labedz, Korshoj, Coordsen, and Johanns. Voting nay: None. Absent: Senators Hefner and Chambers.

(Signed) Timothy Hall, Chairperson

VISITORS

Visitors to the Chamber were Leslie Strong from Genoa; Ilene Grossman, Fritz Stocker, and Bill Cook; Loring North and Dick Neuret from Brunswick; Jean and Joe Cameran and daughter, Mary Beth; Alan Danbaum, Martha Halliurake, Dale Zier from Hemingford, and Kay Dobbins from Mitchell.

ADJOURNMENT

At 12:14 p.m., on a motion by Mr. Weihing, the Legislature adjourned until 9:00 a.m., Wednesday, February 24, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 24, 1988

LEGISLATIVE JOURNAL

THIRTY-SECOND DAY - FEBRUARY 24, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 24, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Ron Elliot, Calvary Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch and Ms. Scofield who were excused; and Messrs. Ashford, Baack, Chambers, Hall, R. Johnson, V. Johnson, Schmit, and Mrs. Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-First Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Room Change

Mr. Withem asked unanimous consent to have the hearing room changed for the Education Committee from Room 1517 to the East Chamber on March 1, 1988 at 1:30 p.m. No objections. So ordered.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1079. Placed on General File as amended.
Standing Committee amendment to LB 1079:
AM2126

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Prompt Payment Act.

Sec. 2. As used in the Prompt Payment Act, unless the context otherwise requires:

(1) Agency shall mean the state and any agency, department, office, commission, board, panel, or division;

(2) Bill shall mean a proper billing or invoice which requests a payment and which is supplemented by all necessary verification and forms required by agency rules and regulations to process payments;

(3) Creditor shall mean any person, corporation, association, or other business concern engaged in a trade or business, either on a for-profit or not-for-profit basis, and providing any goods or services to an agency;

(4) Good faith dispute shall mean:

(a) A contention by the agency that goods delivered or services rendered were of less quantity or quality than ordered or specified by contract, faulty, or installed improperly; or

(b) Any other reason giving cause for the withholding of payment by the agency until the dispute is settled, except that failure to give notice as prescribed in section 5 of this act shall preclude an agency from claiming a good faith dispute in the case of a defective or improper billing;

(5) Goods shall mean any goods, supplies, materials, equipment, or other personal property but shall not mean any real property; and

(6) Services shall mean any contractual services, including, but not limited to, architectural,

engineering, medical, financial consulting, or other professional services, any construction services, and any other personal services but shall not mean any services performed as an officer or employee of any agency.

Sec. 3. (1) Except as provided in subsection (2) of this section, each agency shall make payment in full for all goods delivered or services rendered on or before the forty-fifth calendar day after (a) the date of receipt by the agency of the goods or services or (b) the date of receipt by the agency of the bill for the goods or services, whichever is later, unless other provisions for payment are agreed to in writing by the creditor and the agency.

(2) Any agency making payment for goods or services provided for third parties shall make payment is full for such goods or services on or before the sixtieth calendar day after the date of receipt by the agency of the bill.

No goods or services shall be deemed to be received by an agency until all such goods or services are completely delivered and finally accepted by the agency. For purposes of determining whether payment was made in accordance with this section, payment in full by an agency shall be considered to be made on the date the warrant or check for such payment was mailed or otherwise transmitted.

Sec. 4. Any creditor of an agency not receiving payment in full for goods delivered or services rendered within the forty-five-day or sixty-day time period, whichever is applicable, may charge the agency interest on the unpaid principal balance at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature. Interest charges shall begin to accrue on the thirty-first day after (1) the date of receipt by the agency of the goods or services or (2) the date of receipt by the agency of the bill for the goods or services, whichever is later, and shall terminate on the date on which payment in full of the amount due is made. Each agency shall pay the interest charge upon request unless the bill is the subject of a good faith dispute between the agency and the creditor. No claim by a creditor for interest charges shall be allowed unless

the agency is requested to pay the interest charges within three months from the date on which payment in full is due.

Sec. 5. When a bill submitted to an agency is filled out incorrectly or when there is any defect or impropriety in a bill submitted, the agency shall notify the creditor in writing prior to the date on which payment in full is due. The notice shall contain a description of the defect or impropriety and any additional information necessary to enable the creditor to correct the bill. Upon receiving a properly corrected bill, the agency shall make payment in full of the bill on or before the forty-fifth calendar day after the receipt of the corrected bill or, when the agency is making payment for goods or services provided by a third party, on or before the sixtieth calendar day after the receipt of the corrected bill.

Sec. 6. Nothing in the Prompt Payment Act shall be construed to prohibit full or partial payments by agencies for goods or services whether or not such goods or services have been completely received or finally accepted by the agencies.

Sec. 7. The Prompt Payment Act shall not apply to the following:

(1) Claims subject to good faith dispute if notice of the dispute is conveyed to the creditor in writing before the time required for payment, except the Prompt Payment Act shall take effect on the date that the dispute is resolved;

(2) Contracts related to highway or road construction, reconstruction, or maintenance; and

(3) Claims, contracts, or projects which are to be paid for exclusively with federal funds.

Sec. 8. Each agency shall report monthly to the Director of Administrative Services and the Legislative Fiscal Analyst any account that has not been paid within the applicable time period prescribed by section 3 of this act. Each agency shall report annually any interest charge on a past-due account, whether paid or unpaid, to the Governor and to the Appropriations Committee of the Legislature.

Sec. 9. That sections 81-1111.01 to 81-1111.03, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) Dennis Baack, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 292. Read. Considered.

LR 292 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 293. Read. Considered.

LR 293 was adopted with 23 ayes, 0 nays, and 26 not voting.

MOTION - Approve Appointments

Mr. Korshoj moved the adoption of the report of the Business and Labor Committee for the following Governor appointments found in the Journal on page 962: Dean Kratz - Commission on Industrial Relations; Jeffrey Orr - Commission on Industrial Relations; John Peetz, III - Commission on Industrial Relations.

Voting in the affirmative, 36:

Abboud	Coordsen	Johanns	Lynch	Schellpeper
Baack	Dierks	Johnson, L.	Marsh	Schmit
Barrett	Elmer	Korshoj	Miller	Warner
Bernard-Stevens	Goodrich	Labedz	Moore	Wehrbein
	Haberman	Lamb	Nelson	Weihing
Campbell	Hartnett	Landis	Remmers	Wesely
Chizek	Hefner	Langford	Rogers	Withem
Conway	Higgins			

Voting in the negative, 0.

Present and not voting, 4:

Beyer	Hannibal	Peterson	Smith

Excused and not voting, 9:

Ashford	Hall	Johnson, V.	Morehead	Scofield
Chambers	Johnson, R.	McFarland	Pirsch	

These appointments were confirmed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 956: Thomas Tonniges, M.D. - Nebraska Child Abuse Prevention Fund Board; Marilyn Wartig - Rural Health Manpower Board; Dr. Laurence G. Lefler - State Board of Health; Jo Lamb - Foster Care Review Board; Burrell Williams - Foster Care Review Board; Mabel Yvonne (Bonnie) Johnson - Nebraska Child Abuse Prevention Fund Board; Dr. J. C. Marcum - State Board of Health.

Voting in the affirmative, 28:

Abboud	Coordsen	Korshoj	Moore	Schmit
Baack	Dierks	Lamb	Nelson	Warner
Barrett	Hartnett	Landis	Remmers	Wehrbein
Campbell	Hefner	Lynch	Rogers	Wesely
Chizek	Higgins	Marsh	Schellpeper	Withem
Conway	Johnson, L.	Miller		

Voting in the negative, 0.

Present and not voting, 12:

Bernard-Stevens	Elmer	Hannibal	Langford	Smith
Beyer	Goodrich	Johanns	Peterson	Weihing
	Haberman	Labedz		

Excused and not voting, 9:

Ashford	Hall	Johnson, V.	Morehead	Scofield
Chambers	Johnson, R.	McFarland	Pirsch	

These appointments were confirmed with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1233. Placed on General File.

LEGISLATIVE BILL 1189. Indefinitely postponed.

LEGISLATIVE BILL 1209. Indefinitely postponed.

(Signed) R. W. Remmers, Chairperson

Health and Human Services

LEGISLATIVE BILL 865. Placed on General File as amended.
Standing Committee amendment to LB 865:
AM2083

1. On page 13, line 11, strike "diagnose" and insert "determine".

LEGISLATIVE BILL 620. Indefinitely postponed.
LEGISLATIVE BILL 967. Indefinitely postponed.
LEGISLATIVE BILL 1017. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 836. Title read. Considered.

Mr. Warner offered the following amendment:
AM2155

1. On page 2, line 1, strike "14" and insert "15".

2. On page 7, strike beginning with "relating" in line 15 through line 25 and insert "as designated by the Tax Commissioner.".

3. On page 8, strike lines 1 through 9; and in line 10 after the second period insert: "(1) Any fuel tax collected pursuant to the agreement shall be remitted to the State Treasurer who shall place it in the Highway Trust Fund for allocation as other motor fuel taxes and special fuel taxes collected pursuant to sections 66-410.01 to 66-410.05 and 66-418.01, except that the State Treasurer shall first transfer such amounts to the Base State Fuels Tax Fund as the Tax Commissioner determines to be equal to the amounts required to be transferred to other states.

(2)".

4. Insert the following new section:

"Sec. 15. (1) An additional fee may be collected by the issuing agency or association from a

licensee for each annual decal issued pursuant to the agreement. The fee shall be in an amount determined by the Tax Commissioner to be sufficient to recover reasonable administrative costs of the agreement but not more than ten dollars per annual decal. The fee shall be remitted to the State Treasurer and credited to the Interstate Motor Carriers Base State Cash Fund, except that the Tax Commissioner may by contract with an association provide for the association to retain a portion of the fee as payment for services rendered under the contract.

(2) There is hereby created a fund to be designated the Interstate Motor Carriers Base State Cash Fund which shall be set apart and maintained by the Sate Treasurer to pay administrative costs of the Interstate Motor Carriers Base State Fuel Tax Compact Act. If any staff used for enforcing the agreement provided for in the act is used for any other state tax or program, the costs attributed to such other tax or program shall be borne by either the General Fund or the fund to which the money resulting from such other tax or program is credited, however it is appropriated by the Legislature.".

5. Renumber remaining sections accordingly.

The Warner amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 836A. Title read. Considered.

Mr. Warner offered the following amendment:
AM2176

1. On page 2, line 3, strike "$243,604" and insert "$58,863"; in line 4 after "Fund" insert "and $137,347 from the Interstate Motor Carriers Base State Cash Fund"; and in line 11 strike "$153,549" and insert "$105,321".

The Warner amendment was adopted with 30 ayes, 0 nays, 12 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 823. Title read. Considered.

Standing Committee amendments, AM1753, found in the Journal on page 512 for the Thirteenth Day were considered.

Mr. Lamb offered the following amendment to the pending Standing Committee amendments:

Reinstate pg. 6 from "No" in line 23 thru line 25

and pg. 7 beginning with "proximately" in line 1 thru period in line 2.

The Lamb amendment lost with 9 ayes, 14 nays, 20 present and not voting, and 6 excused and not voting.

The Standing Committee amendments were adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 294. Introduced by Beyer, 3rd District; Higgins, 9th District; Goodrich, 20th District; Withem, 14th District.

WHEREAS, students at Central High School in Omaha presented, Roadshow 1988-A Stage Odyssey, February 18th through the 20th, 1988; and

WHEREAS, the show was produced by Charles McAdam, Robert McMeen, and Pegi Stommes. The technical director was Larry Hausman and assistant Jesse Bruckner; and

WHEREAS, the roadshow consisted of students, who are interested in the arts and who displayed their entertainment talents to produce a very fine production; and

WHEREAS, the Legislature wishes to encourage students to be interested and take part in the arts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to the persons who participated in the roadshow.

2. That a copy of this resolution be sent to the principal of Central High School in Omaha, Nebraska.

Laid over.

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 1061. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2027.)

(Signed) Loran Schmit, Chairperson

Urban Affairs

LEGISLATIVE BILL 1058. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

Appropriations

LEGISLATIVE RESOLUTION 263. Reported to the Legislature for further consideration with the following amendments:
AM2149

1. Strike beginning with the first "WHEREAS" on page 1 through page 5 and insert the following:

"WHEREAS, the school district of Oakland-Craig, in the County of Burt, in the State of Nebraska, is a duly accredited Class III school district and municipal corporation created by the Legislature under the laws of the State of Nebraska; and

WHEREAS, the Oakland-Craig School District was sued under the Political Subdivision Tort Claims Act for a school bus accident which occurred on November 6, 1984, for a total sum of twenty-two million dollars; and

WHEREAS, on November 10, 1985, the Oakland-Craig School District's insurance company was declared insolvent by a district court in Polk County, Iowa; and

WHEREAS, the suit was not subject to the

one-million-dollar limitation for tort claims brought under the Political Subdivision Tort Claims Act against municipal corporations because such limitation did not become effective until November 16, 1985, and was not retroactive; and

WHEREAS, such suit could potentially have cost the school district millions of dollars; and

WHEREAS, such suit was settled and a judgment was entered against the Oakland-Craig School District on December 2, 1987, for a total sum of one and one-half million dollars; and

WHEREAS, in the order approving the settlement and entering the judgment, the court stated that had the case not been settled, the court could have awarded the plaintiff "an amount substantially in excess of the one and one-half million dollars in payments to be made under the . . . settlement"; and

WHEREAS, only one million dollars of the judgment was paid by the Nebraska Property and Liability Insurance Guaranty Association and the insolvent insurance company, placing the responsibility on the Oakland-Craig School District's taxpayers to pay five hundred thousand dollars; and

WHEREAS, the payment of the five-hundred-thousand-dollar judgment will place a hardship upon the Oakland-Craig School District, its teachers and students, and the community and its citizens; and

WHEREAS, because of the lawsuit and section 77-1623, the entire board of education of the Oakland-Craig School District resigned to avoid personal liability, leaving the school district without a governing body; and

WHEREAS, without a governing body, the taxpayers were forced to place the Oakland-Craig School District into receivership in the district court of Burt County, Nebraska; and

WHEREAS, the Oakland-Craig School District is still in receivership in the district court of Burt County, Nebraska and is still without a board of education; and

WHEREAS, without a board of education or governing body, the Oakland-Craig School District cannot by statute establish a budget for the next fiscal year,

and the Oakland-Craig School District is prevented by statutory provisions from budgeting sufficient funds to pay the five-hundred-thousand-dollar judgment or any portion thereof; and

WHEREAS, the current tax levy of the Oakland-Craig School District is one of the highest in the State of Nebraska; and

WHEREAS, section 23-2415 authorizes a political subdivision such as a school district to make application to the State Treasurer for a loan to help pay a judgment against the subdivision for a tort claim when the governing body is statutorily or constitutionally unable to levy for the entire judgment; and

WHEREAS, the judgment is valid and because it has no school board the Oakland-Craig School District does not currently have the ability to make a levy to pay such judgment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature recognizes that the State Treasurer is charged with duties under section 23-2415 and that the implementation of such section provides for no legislative role.

2. The Legislature requests the State Treasurer, upon application by the Oakland-Craig School District, to give appropriate consideration to making such loan to the Oakland-Craig School District pursuant to section 23-2415 from funds available for investment in the state treasury, in such total amount and upon such terms and conditions as allowed by law and as judged by the State Treasurer to be appropriate to assist the district in paying the judgment while minimizing the loss of funds to the state and insuring the loan will be repaid.

3. It is the express understanding of the Legislature that this may be a unique situation and, if the State Treasurer does agree to make such a loan, it shall not be construed as being a precedent for the application of section 23-2415 to other situations where a political subdivision merely may have difficulty

paying a judgment.

LEGISLATIVE BILL 764. Placed on General File as amended.
Standing Committee amendment to LB 764:
AM2148

1. Strike the original sections and insert the following new sections:

"Section 1. That section 81-1607, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1607. (1) On or before February 15 of each year, the Director of the State Energy Office shall transmit to the Governor and the Clerk of the Legislature a comprehensive report designed to identify emerging trends related to energy supply, demand, and conservation and to specify the level of statewide energy need within the following sectors: Agricultural, commercial, residential, industrial, transportation, utilities, government, and any other sector that the director determines to be useful.

(2) The report shall include, but not be limited to:

(a) An assessment of the state's energy resources, including examination of the current energy supplies and any feasible alternative sources;

(b) The estimated reduction in annual energy consumption resulting from various energy conservation measures;

(c) The status of the office's ongoing studies; ~~and~~

(d) Recommendations to the Governor and the Legislature for administrative and legislative actions to accomplish the purposes of sections 70-625, 70-704, 81-161, 81-1602, 81-1606, and 81-1607; and

(e) The use of funds disbursed during the previous year under sections 81-1635 to 81-1641. The use of such funds shall be reported each year until the funds are completely disbursed and all contractual obligations have expired or otherwise terminated.

Sec. 2. That section 81-1636, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1636. ~~(1)~~ The Governor or the State Energy Office as representative of the Governor shall develop a

plan for the disbursement of the money credited to the fund for submission to the United States Department of Energy. The plan shall be in accordance with the specifications and guidelines of the applicable federal court order; and any applicable federal law or regulations. ~~, and the guidelines provided in subsection (2) of this section.~~

~~(2) Except when such guidelines are inconsistent with federal specifications and guidelines for the use of the money, in ranking and selecting projects to be recipients of funds, the Governor or the State Energy Office shall comply with the following guidelines:~~

~~(a) Primary consideration shall be given to:~~

~~(i) Projects which, for the amount of the allocation, provide maximum energy and resource conservation and efficiency benefits to the citizens of the state; and~~

~~(ii) Projects which are cost-effective and have long-term benefits for the citizens of the state;~~

~~(b) Projects selected shall in their totality reflect a generally equitable distribution of the benefits of the fund across the state considering both geographic and population factors;~~

~~(c) The benefits of any research or demonstration project using money allocated from the fund shall be available to the public at large; and~~

~~(d) No more than one-third of the funds in any plan or amendments thereto shall be allocated to private, nongovernmental entities, except that this restriction shall not apply to (i) any entity created by state statute or (ii) any entity which receives money from the fund through the federal Weatherization Assistance for Low-Income Persons program or the Institutional Conservation Program. Funds disbursed to public or governmental entities shall not be used to replace any public or tax funds which were or are being used on the project.~~

~~(3) The State Energy Office may adopt additional guidelines not inconsistent with federal law, regulations, or court orders or with subsection (2) of this section.~~

Sec. 3. That section 81-1637, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

81-1637. (1) The Governor shall submit ~~the~~ a predisbursement plan ~~and any amendment~~ to the ~~plan to the~~ Legislature if in session or the Executive Board of the Legislative Council if the Legislature is not in session. ~~by the sixtieth legislative day in the regular session held in an odd-numbered year or the thirtieth legislative day in the regular session held in an even-numbered year. The plan shall include (1)(a) broad categories of the types of proposed uses of the fund sufficiently described so as to allow the identification of the purpose and nature of the particular projects proposed or to be proposed for inclusion in each category and (b) within an applicable category, any project for which a single entity is proposed to be a direct or initial recipient of a total of more than fifty thousand dollars from the fund, except that this subdivision shall not apply to any project funded through the federal Weatherization Assistance for Low-Income Persons program or the Institutional Conservation Program, (2) an indication of which particular award or settlement will fund each category or project included in the plan, and (3)~~

(2) The predisbursement plan shall generally outline the uses and beneficiaries of proposed disbursements from the fund, as well as the expected benefits to the state as a whole.

(3) The predisbursement plan shall also include a policy statement which shall indicate (a) a perception of the current and anticipated trends regarding energy availability, costs, and needs in the state, (b) assumptions regarding the impacts on energy needs of the state of current and anticipated state and federal policies and market forces affecting energy use, and (c) generally, how the types of projects ~~selected or~~ to be selected will address those trends and assumptions.

(4) The Legislature may hold a public hearing within thirty days of receipt of the predisbursement plan to solicit testimony on such plan. The Legislature may, no later than fifteen days following such hearing, make recommendations to the State Energy Office concerning the plan. ~~The Appropriations Committee of the Legislature shall, in conjunction with its review of~~

~~appropriations of the fund, conduct a public hearing on the plan or amendments within ten legislative days of receiving such plan or amendments, and the Legislature shall pass any appropriations therefor within thirty legislative days of the hearing or before the end of the legislative session, whichever comes first. In reviewing the plan for purposes of determining appropriations from the fund, the Legislature shall consider the guidelines in subsection (2) of section 81-1636.~~

Sec. 4. That section 81-1639, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1639. No money shall be disbursed or expended from the fund unless:

(1) The disbursement is pursuant to an appropriation by the Legislature;

(2) The provisions of section 81-1636 have been complied with in regard to the project for which funds are being disbursed; and

(3) ~~The project for which funds are being disbursed is within a category which is included in the plan or amendments to the plan submitted to the Legislature or, if required by section 81-1637, has been specifically included in such plan or amendments; and~~

~~(4)~~ The use ~~project~~ for which funds are being disbursed meets any applicable federal law, regulation, or court order and has been approved by any and all state and federal authorities as may be required to meet the applicable court order and any applicable federal law or regulations.

~~Any appropriations of the fund shall be made for broad categories of projects, but no appropriation shall be made for any project not within a category which is included in the plan pursuant to section 81-1637.~~

Sec. 5. That section 81-1640, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1640. ~~On October 1 of each year for five years from April 9, 1987, the Governor~~ The State Energy Office shall conduct a public hearing on the proposed uses of the fund in the manner and to the extent required by specifications and guidelines of the

applicable federal court order and any applicable federal law or regulations. ~~shall submit a report to the Legislature regarding the projects receiving money from the fund and the effectiveness of the uses of the money disbursed from the fund.~~

Sec. 6. That section 81-1641, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1641. Sections 81-1635 to 81-1641 shall apply to the disbursement of all funds which are subject to sections 81-1635 to 81-1641 except for funds appropriated by Legislative Bill 432, Ninetieth Legislature, First Session, 1987.

Sections 81-1636 and 81-1637 ~~and subdivisions (2) and (3) of section 81-1639~~ shall not apply to any funds which are the subject of any written agreement or contract entered into by the State Energy Office or the Governor prior to April 9, 1987, for the awarding of any funds received by the state from United States v. Exxon Corporation.

Sec. 7. 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. 8. That original sections 81-1607, 81-1636, 81-1637, 81-1639, 81-1640, and 81-1641, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Jerome Warner, Chairperson

Judiciary

LEGISLATIVE BILL 1030. Placed on General File.

LEGISLATIVE RESOLUTION 260CA. Placed on General File as amended.
Standing Committee amendments to LR 260CA:
AM2086

1. On page 1, line 16, after "felony" insert "under the laws of this state or the United States and

the exhaustion of or failure to exercise direct rights of appeal".

2. On page 2, line 10, after "felony" insert "as prescribed and the exhaustion of or failure to exercise direct rights of appeal".

LEGISLATIVE BILL 121. Placed on General File as amended.
Standing Committee amendment to LB 121:
AM2081

1. On page 3, strike beginning with the comma in line 1 through the comma in line 2.

LEGISLATIVE BILL 463. Placed on General File as amended.
Standing Committee amendments to LB 463:
AM2080

1. On page 6, line 24, strike "psychiatrist,".

2. On page 16, after line 21, insert:

"(2) An ex parte order shall be issued only if other protective custody services are unavailable or other services provide insufficient protection."; and in line 22 strike "(2)" and insert "(3)".

3. On page 17, line 2, after the period insert "The department shall not be given legal custody nor be made guardian of such vulnerable adult. A vulnerable adult shall be responsible for the costs of services provided either through his or her own income or other programs for which he or she may be eligible."; in line 3 strike "(3)" and insert "(4)"; strike beginning with "representative" in line 3 through "a" in line 4; in line 4 strike the comma and insert "accompanied by a representative of the department"; in line 13 strike "(4)" and insert "(5)"; and in line 23 strike "(5)" and insert "(6)".

4. On page 18, line 8, strike "(6)" and insert "(7)"; in line 17 strike "(7)" and insert "(8)"; and in line 20 after "services" insert "which shall not exceed sixty days".

5. Strike original section 41 and insert the following new section:

"Sec. 41. That section 28-101, Revised Statutes Supplement, 1987, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and

sections 1 to 40 of this act shall be known as the Nebraska Criminal Code.".

6. On page 27, line 17, strike "1986" and insert "1987".

LEGISLATIVE BILL 876. Placed on General File as amended.
Standing Committee amendment to LB 876:
AM2082

1. On page 3, line 10, after "issued" insert "to one person".

LEGISLATIVE BILL 990. Placed on General File as amended.
Standing Committee amendments to LB 990:
AM1950

1. On page 4, line 25, strike the first "the" and insert "reasonable".

2. On page 5, lines 22 and 23, strike "not in conflict with" and insert "at least as stringent as the provisions of".

LEGISLATIVE RESOLUTION 246CA. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 972. Title read. Considered.

Standing Committee amendments, AM1751, found in the Journal on page 532 for the Fourteenth Day were considered.

Mr. Haberman renewed his pending amendment, AM2119, found in the Journal on page 944 to the Standing Committee amendments.

Mr. Schmit 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 Haberman amendment was adopted with 21 ayes, 1 nay, 23 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Remmers moved the previous question. The question is, "Shall the debate now close?"

Mr. Remmers moved for a call of the house. The motion prevailed with 10 ayes, 3 nays, and 36 not voting.

Mr. Remmers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 23:

Ashford	Coordsen	Hefner	Marsh	Remmers
Barrett	Dierks	Labedz	Miller	Rogers
Beyer	Goodrich	Lamb	Moore	Schellpeper
Chizek	Haberman	Langford	Peterson	Schmit
Conway	Hall	Lynch		

Voting in the negative, 21:

Abboud	Elmer	Johnson, R.	Morehead	Wehrbein
Baack	Hannibal	Johnson, V.	Nelson	Weihing
Bernard-Stevens	Hartnett	Korshoj	Smith	Wesely
	Higgins	Landis	Warner	Withem
Campbell	Johnson, L.			

Present and not voting, 1:

Johanns

Excused and not voting, 4:

Chambers	McFarland	Pirsch	Scofield

The Remmers motion to cease debate lost with 23 ayes, 21 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SPEAKER BARRETT PRESIDING

Mr. Dierks 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 moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud	Coordsen	Higgins	McFarland	Schellpeper
Baack	Dierks	Johanns	Miller	Schmit
Beyer	Elmer	Labedz	Morehead	Smith
Campbell	Goodrich	Lamb	Peterson	Wehrbein
Chizek	Haberman	Langford	Remmers	Weihing
Conway	Hefner	Lynch	Rogers	

Voting in the negative, 16:

Ashford	Hall	Johnson, V.	Marsh	Warner
Barrett	Hannibal	Korshoj	Moore	Wesely
Bernard-Stevens	Hartnett	Landis	Nelson	Withem
	Johnson, L.			

Present and not voting, 2:

Chambers Johnson, R.

Excused and not voting, 2:

Pirsch Scofield

Advanced to E & R for Review with 29 ayes, 16 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 972A. Title read. Considered.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Abboud	Beyer	Coordsen	Goodrich	Hefner
Baack	Campbell	Dierks	Haberman	Higgins
Barrett	Conway	Elmer	Hannibal	Johnson, R.

Lamb	McFarland	Peterson	Schellpeper	Wehrbein
Langford	Miller	Remmers	Smith	Weihing
Lynch	Nelson	Rogers	Warner	Wesely

Voting in the negative, 11:

Ashford	Hall	Johnson, V.	Landis	Moore
Bernard-Stevens	Hartnett	Korshoj	Marsh	Withem
	Johnson, L.			

Present and not voting, 6:

Chambers	Johanns	Labedz	Morehead	Schmit
Chizek				

Excused and not voting, 2:

Pirsch	Scofield

Advanced to E & R for Review 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 922A. Introduced by Remmers, 1st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 922, Ninetieth Legislature, Second Session, 1988; and to change an appropriation as prescribed.

MESSAGE FROM THE GOVERNOR

February 24, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 to the Departments of Public Institutions, Social Services, and Correctional Services, requiring legislative confirmation.

Appointee: Stuart L. Wheeler, 1400 Sheridan Place, Hastings, NE 68901, work: 402-462-2141

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

ATTORNEY GENERAL'S OPINIONS

Opinion No. 88009

DATE: February 17, 1988

SUBJECT: Constitutionality of LB 951, Required Arbitration of Construction Liens

REQUESTED BY: Senator Brad Ashford,
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Dale A. Comer, Assistant Attorney General

LB 951 would amend certain portions of §52-125 of the Nebraska Construction Lien Act, Neb.Rev.Stat. §§52-125 et seq. (Reissue 1984), to read as follows:

> Any lien of less than $10,000.00 recorded pursuant to §52-137 shall be subject to arbitration under the Uniform Arbitration Act if any interested party files a request for arbitration within thirty days of the recording of such lien. The recording of the lien shall be deemed to be consent to arbitration by the claimant.

You have inquired as to whether this provision requiring binding arbitration under the Uniform Arbitration Act is constitutional. We conclude that it is not, and our reasoning is set out below.

In our Opinion #87029, dated March 6, 1987, we considered the constitutionality of those portions of LB 661 and LB 71 dealing with

arbitration. LB 71 was ultimately enacted into law and codified as the Uniform Arbitration Act, Neb.Rev.Stat. §§25-2601 et seq. (Supp. 1987). We began our analysis of the constitutionality of binding arbitration by noting that, in a series of cases beginning in 1889 and culminating in Overland Constructors v. Millard School District, 220 Neb. 220, 369 N.W.2d 69 (1985), our Supreme Court has consistently held that binding arbitration agreements entered into before a dispute arises are contrary to public policy and not enforceable. In Overland Constructors, the Supreme Court stated:

> While this Court is supportive of parties resolving their differences through arbitration, if possible, we have consistently held that an arbitration agreement entered into before a dispute arises, denying to the parties their right to seek the assistance of the courts, is contrary to public policy and is not enforceable. In a long line of cases . . . we have consistently held that a contract to compel parties to arbitrate future disputes and, thus, to oust the courts of jurisdiction to settle such disputes is against public policy and is void.

Id. at 224, 369 N.W.2d at 73. We also noted that the Nebraska rule against arbitration does not appear to be a blanket prohibition against all forms of that remedy, and we listed agreements to arbitrate existing disputes and agreements which would allow a full review of the arbitrator's decision on the merits by the district court as examples of acceptable arbitration. As a result, the propriety of arbitration in each instance appears to involve a twofold determination: first, does the agreement to arbitrate concern future disputes, and, second, to what extent is the arbitration agreement binding without recourse to the courts.

In our 1987 opinion, we then reviewed the provisions of LB 71 to determine to what extent an arbitrator's decision under that Act would be reviewed by a district court. We determined that a district court, under LB 71, could in no way consider the merits of the controversy, and that the district court would be limited, in great part, to questions concerning fraud or partiality. Because those standards were so narrow as to effectively deny parties to the arbitration the assistance of the courts, we determined that the general arbitration provisions of LB 71 were unconstitutional under the rule established in Overland Constructors and its companion cases. We did, however, point out that the arbitration provisions under LB 71 which provided for arbitration of existing controversies would be permissible.

The Uniform Arbitration Act contains the limited standard for district court review set out in LB 71. See, Neb.Rev.Stat. §25-2613 (Supp. 1987). Therefore, to the extent that the Uniform Arbitration

Act would be applied to future controversies of any kind, it appears to us that the arbitration procedures under the Act would be unconstitutional and unenforceable.

LB 951, the subject of your concern, provides that construction liens under $10,000 shall be subject to arbitration under the provisions of the Uniform Arbitration Act if any interested party files a request for arbitration within 30 days of the recording of such lien. It seems to us that this proposed statute would require the arbitration of future controversies as provided in the Uniform Arbitration Act. Given the narrow and restricted judicial review of an arbitrator's determination under the provisions of the Act, it is our view that LB 951 would require an unconstitutional and unenforceable form of arbitration.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

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

Opinion No. 88010

DATE: February 17, 1988

SUBJECT: Limitation on Distribution of Smokeless Tobacco Products -- LB 861 (1988)

REQUESTED BY: Senator Arlene Nelson, 35th District

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

You have requested an opinion as to whether the limitations on distribution of smokeless tobacco products as set out in LB 861 (1988) are in violation of the Commerce Clause or First Amendment of the United States Constitution or in violation of Article III, Section 18 of the Constitution of the State of Nebraska. In our opinion LB 861, as amended, does not violate any of these authorities.

We have reviewed LB 861 with the amendments adopted by the Judiciary Committee. There is nothing in the bill, as amended, that

is in conflict with the Commerce Clause or First Amendment of the United States Constitution. Nor is the bill in conflict with Article III, Section 18 of the Constitution of the State of Nebraska. Additionally, similar statutes have been successfully adopted in other states.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

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

28-01-6

Opinion No. 88011

DATE: February 23, 1988

SUBJECT: Branching of National Banks in Nebraska

REQUESTED BY: Senator Loran Schmit

WRITTEN BY: Robert M. Spire, Attorney General
LeRoy W. Sievers, Assistant Attorney General

QUESTION: Would the branching provisions of LB 877 which apply to savings and loan associations also apply to national banks?

CONCLUSION: No.

LB 877 proposes to amend portions of Neb.Rev.Stat. §§8-331 and 343 to expressly indicate that savings and loan associations may establish branches in and outside of Nebraska under specified conditions. In your request for an opinion, you ask whether those provisions that authorize branching of savings and loan associations would also be applied to national banks doing business in Nebraska or wishing to do business in Nebraska as a result of the holding in the case of Department of Banking and Consumer Finance v. Clarke, 809 F.2d 266 (5th Cir.) cert. denied ___ U.S. ___, 107 S.Ct. 3240, 7 L.Ed.2d 745 (1987). The decision in that case was rendered by the Court of Appeals for the Fifth Circuit that is headquartered in New Orleans, Louisiana. Because that decision was made by the Court of

Appeals for the Fifth Circuit, it is not controlling on federal or state courts in Nebraska which might be faced with similar issues.

The Court of Appeals for the Eighth Circuit reached a decision in Dakota National Bank and Trust Company v. First National Bank and Trust Company of Fargo, 554 F.2d 345 (8th Cir.) cert. denied 434 U.S. 877 (1977), which appears to be directly contrary to the holding in the Department of Banking and Consumer Finance v. Clarke. In that case, the court decided that the ability of national banks to branch is restricted by the provisions of state law that control the branching of privately-owned state chartered banks. This decision was in part based upon the court's determination that the maintenance of competitive equality between state chartered and national banks is embodied in the McFadden Act, including 12 U.S.C. §§36(c).

Because the State of Nebraska is located within the jurisdiction of the Court of Appeals for the Eighth Circuit, the decision of the Eighth Circuit would be controlling on federal courts in Nebraska. Thus, it would appear that provisions applicable to state chartered savings and loans, which do not apply to state chartered banks, will not be applicable to national banks with offices in Nebraska. As a result, the decision in the Department of Banking and Consumer Finance v. Clarke, would not require the branching provisions of LB 877 which apply to savings and loan institutions to also be applied to national banks doing business in Nebraska or wishing to do business in Nebraska.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) LeRoy W. Sievers
Assistant Attorney General

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

24-01-6

Opinion No. 88012

DATE: February 23, 1988

SUBJECT: Identification and Election Relative to Low-Level Radioactive Waste Facility Site

REQUESTED BY: Senator Gerald A. Conway, Senator Stan Schellpeper, Senator Sandra K. Scofield, and Senator David Bernard-Stevens

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

You have inquired whether the provisions of LB 882 of the 1988 Session are inconsistent with or in conflict with any provisions of the Central Interstate Low-Level Radioactive Waste Compact, the Nebraska state statutes, the Nebraska Constitution, or existing federal laws or regulations. The proposal for identification of the facility site and submission of said facility site to a vote of local electors is not in conflict, at least in theory, with any of the authorities you have identified. However, if the procedure results in a delay in construction of the facility by the Federal government and Central Interstate Commission and could result in fines and/or other sanctions against the state for unreasonable delay. The amount of any fines and type of sanctions would be up to the Federal government and the Commission--within the limits of Public Law 99-240 and the Central Interstate Compact. Final determination of whether the state's actions were arbitrary and capricious and if any penalty imposed is appropriate could be appealed to the federal courts.

We do have two areas of concern with LB 882. The first concern is with the determination of the "affected area" which in turn determines the scope of the electorate. Our second concern is with the definition provided for approval of a site.

The Statement submitted by Nebraska's Governor and approved by the Central Interstate Compact Commission calls for the "community's consent." Both the Governor's Statement as well as the minutes of the December 8, 1987, Commission meetings used the term "community" in the context of community consent or compensation to the host community.

Since neither the Governor's Statement nor the Commission amendment provide for a definition of "community," it should be given its ordinary meaning. Black's Law Dictionary, Fifth Edition, defines "community" in part as: "Neighborhood; vicinity; synonymous with locality. People who reside in a locality in more or less proximity. A society or body of people living in the same place, under the same laws and regulations, who have common rights, privileges, or interests." (Citations omitted). In Lukens Steel Company v. Perkins, 107 F.2d 627, 631 (D.C. Cir. 1939) the federal court defined "community" as follows:

The word community connotes a congeries of common interests arising from associations--social, business, religious, governmental, scholastic, recreational--involving considerations of public health, fire protection, water, sewage, transportation, and other services, which bind together the people of such a community or set them quarreling with each other.

LB 882 not only uses a different term for defining the scope of the area involved in a consent vote it provides a definition for that term that is well beyond the reasonable limitations of the ordinary meaning of the term "community." LB 882 calls for a consent vote by the electorate in the "affected county." "Affected county" is defined in LB 882 as: "The county in which a proposed site is located and any county the boundary of which is within a radius of 20 miles of the proposed site." In almost all cases within Nebraska this would involve more than one county and in some instances may involve as many as six or seven counties.

In the case of In Re Arrigo, 98 Neb. 134, 137, 152 N.W. 319 (1915), the Nebraska Supreme Court held: "The concept which a word conveys is that which custom has accorded it. There is no reason why a legislature may not expand the definition of a word to a reasonable degree and include within the circle of its definition for the purpose of an act, ideas which are related to that concept but not ordinarily included therein." (Emphasis added.) LB 882 uses an entirely different term to define the area eligible to vote on consent then the term presented to and adopted by the Commission. Further, it provides a definition for that term which is well beyond the ordinary definition for "community" or "host community."

Expansion of the community's consent to a multi-county consent could be viewed by the Central Interstate Compact Commission as contrary to the intent of the Commission and their passage of the proposal. Should the expansion of the community to multi-county result in delay in construction of the facility, it could well subject the State to sanctions by both the Federal government and the Central Interstate Compact Commission under federal law and the terms of the Compact.

We also have a concern with Section 2(4) of LB 882 which provides in part: "If at least forty percent of such electors voting on the question for a given site vote no, the facility shall not be built at such site." In such a case, it is still possible that 60 percent of the electors would be in favor of the proposal. This would result in rule by the will of the minority.

"It is a fundamental principle of popular government that in elections the will of the majority, expressed in the manner authorized by law, must prevail unless the constitution provides otherwise." 29

C.J.S. §242, p. 674. A determination of the will of the people whereby a clear minority could prevail is not only contrary to the democratic form of government but would surely be viewed by the Federal authorities as well as the Commission as being arbitrary and capricious actions on the part of the State of Nebraska to needlessly delay the selection of a facility site and the subsequent construction of said facility. This in turn could subject the state to Federal and Compact penalties.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

LLW:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1031. Placed on General File as amended.
Standing Committee amendments to LB 1031:
AM2092

1. On page 2, line 1, strike "11" and insert "10".

2. On page 4, line 17, strike "shall" and insert "may" and strike "1989" and insert "1990, if the Director of Environmental Control determines that sufficient private collection sites are established".

3. On page 6, line 9, strike "a" and insert "and implement a permit system for"; in line 10 strike "site to collect waste tires" and insert "sites"; strike lines 11 and 12 and insert "fees charged shall not exceed actual costs."; in line 17 strike "director" and insert "Director of Economic Development, in cooperation with the Department of Environmental Control,"; and strike beginning with "(c)" in line 22 through line 25.

4. On page 7, line 1, strike beginning with "waste" through "(e)" and insert "(c)"; in line 3 strike "(f)" and insert "(d)"; in line 5 strike "(g)" and insert "(e)"; and in line 10 strike "(h)" and insert "(f)".

5. On page 8, line 16, strike "registration"

and insert "title".

6. Strike original section 11.

7. On page 9, line 11, strike "15" and insert "14".

8. Renumber the remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

General Affairs

LEGISLATIVE BILL 1222. Placed on General File as amended.
Standing Committee amendments to LB 1222:
AM2160

1. Insert the following new sections:

"Sec. 21. That section 9-242, Revised Statutes Supplement, 1986, be amended to read as follows:

9-242. A licensed organization ~~may~~ shall purchase or rent bingo supplies or equipment from any distributor. Such purchase or rental shall be for the fair market value of the supplies or equipment and shall not include any services rendered. If requested to do so by the department, an organization shall be required to show that the amount charged for the purchase or rental of such supplies or equipment is not in excess of fair market value.

Sec. 34. All reports, tax returns, and license applications filed with the department by any licensee or license applicant pursuant to the Nebraska Bingo Act, including any attachments filed in connection with such reports, returns, or applications, shall be deemed public records and shall be available for inspection by the public upon request to the department.

Sec. 35. This act shall become operative on October 1, 1988.".

2. On page 3, line 5, strike "22, 23, and 27" and insert "23, 24, and 28".

3. On page 8, line 10, strike "22 and 23" and insert "23 and 24"; and in line 12 strike "27" and insert "28".

4. On page 21, line 21, after "misdemeanor" insert "for the first offense and a Class I misdemeanor for the second or subsequent offense".

5. On page 22, line 7, strike "(5),".
6. On page 24, line 22, strike "commercial".
7. On page 35, line 12, strike "27" and insert "28".
8. On page 43, line 23, after the period insert "A licensed organization shall not commingle funds received from the conduct of bingo with any general operating funds of the licensed organization.".
9. On page 46, line 6, before "9-243" insert "9-242,".
10. Renumber the remaining sections accordingly.

(Signed) Patricia S. Morehead, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 838 in the Journal. No objections. So ordered.

AM2136

(Amendments to Final Reading copy)

1. Strike original section 6 and insert the following new section:

"Sec. 6. The antique farm machinery and equipment museum shall be established, operated, and maintained from the Antique Farm Machinery and Equipment Fund which is hereby created. Such fund shall consist of such sums as are contributed as gifts, grants, or bequests. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

Mr. Hall asked unanimous consent to print the following amendment to LB 88 in the Journal. No objections. So ordered.

AM2192

1. On page 3, line 9, after "process" insert "and does not include nutrition and hydration".
2. On page 10, after line 10, insert the following new subsection:

"(8) In no case shall the rights of the Terminally Ill Act be interpreted to allow withholding or withdrawal of basic nourishment or hydration so as to

condone death by starvation or dehydration.".

Messrs. Schellpeper and Bernard-Stevens asked unanimous consent to print the following amendment to LB 1117 in the Journal. No objections. So ordered.

AM2177

1. Insert the following new section:

"Sec. 7. In order to accomplish the goals set out in sections 1 to 6 of this act and to allow equal access to all of Nebraska's educators, the Legislature hereby declares the week preceding September 1 of each year to be designated as Educational Technology Week. In order to give educators the opportunity to attend seminars and other events to enhance their knowledge during Educational Technology Week, no public schools shall offer instructional classroom hours during the week preceding September 1.".

Mr. Chambers asked unanimous consent to print the following amendment to LB 1012 in the Journal. No objections. So ordered.

AM2169

1. Insert the following new section:

"Sec. 13. It is the intent of the Legislature that no person should be discriminated against on the basis of having taken a human immunodeficiency virus antibody or antigen test.

Each agency of state government shall examine policies and practices within its jurisdiction that may intentionally or unintentionally result in discrimination against a person who has taken a human immunodeficiency virus antibody or antigen test or who has been diagnosed as having acquired immunodeficiency syndrome or acquired immunodeficiency syndrome related complex, to ascertain the extent and types of discrimination that may exist. Each agency shall identify proposed changes in statutes or agency rules and regulations to remedy discrimination. Each agency shall report it findings to the Legislature on or before December 1, 1988.".

2. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 375 in the Journal. No objections. So ordered.

AM2193

(Amendments to Final Reading copy)

1. On page 1, line 10, after the semicolon insert "to require the filing of certain information by bank holding companies as prescribed; to provide for the rating of bank holding companies as prescribed;".

2. Insert the following new section:

"Sec. 10. (1) The Director of Banking and Finance shall by rule and regulation require the filing of information which describes the proposed community investment policies of any bank holding company or subsidiary thereof wishing to acquire a Nebraska bank, including descriptions of the proposed service area of such bank holding company or subsidiary thereof, the credit needs of the proposed service area, and the proposed method of meeting such credit needs of such service area.

(2) The Director of Banking and Finance shall by rule and regulation require each bank holding company or subsidiary thereof to file an annual report which describes the manner in which the community investment needs of the community served by the bank holding company or its subsidiary have been met.

(3) The Director of Banking and Finance shall by rule and regulation develop a rating system for bank holding companies or subsidiaries thereof. The rating system shall measure the performance of each bank holding company or its subsidiary in meeting the community investment needs of the community it serves and shall set minimum standards for meeting such needs.

(4) On or after January 1, 1990, a bank holding company or its subsidiary which fails to meet minimum community-investment standards set by the director shall not be eligible for deposit of public funds authorized by section 72-1263.".

3. On page 12, line 21, strike "and 9" and insert "to 10".

4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were former Senator George Syas; Mr. and Mrs. Art Tibbets, and daughter, Doneen from O'Neill; and Craig Lytle, Kari Krausa, and Susan Wait from Benedict High School.

ADJOURNMENT

At 12:15 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, February 25, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 25, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 25, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Bob Grayson, Southview Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer and Withem who were excused; and Messrs. V. Johnson, Schmit, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Second Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 943. Placed on Select File as amended.
E & R amendments to LB 943:
AM5340

1. On page 3, line 14, strike "was".
2. On page 4, line 4, strike the comma and show as stricken.
3. On page 9, line 23, strike the new matter and reinstate the stricken matter.

4. On page 22, line 23, strike "shall" and show as stricken.

5. On page 25, line 12, strike "termination statement", show as stricken, and insert "notice of lapse".

6. On page 35, lines 21 to 22, strike "Chapter 54, article 2,", show as stricken, and insert "section 54-201 or 54-208".

7. On page 42, line 15, after "obligations" insert an underscored comma.

LEGISLATIVE BILL 963. Placed on Select File as amended.
E & R amendments to LB 963:
AM5337

1. On page 1, line 1, after "amend" insert "section 2-2309, Revised Statutes Supplement, 1986, and"; in line 4 after the semicolon insert "to provide for procedures for adjustments to the tax;"; and in line 5 strike "section" and insert "sections".

2. On page 2, line 14, strike "is", show as stricken, and insert "shall be".

LEGISLATIVE BILL 934. Placed on Select File.

LEGISLATIVE BILL 1100. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM5339.)

LEGISLATIVE BILL 1100A. Placed on Select File.

LEGISLATIVE BILL 1117. Placed on Select File as amended.
E & R amendments to LB 1117:
AM5338

1. On page 1, line 3, strike "duties" and insert "powers and duties for the center and the state educational technology consortium".

2. On page 1, line 2; page 2, line 23; page 3, line 7; and page 5, lines 15 and 17, strike "Education" and insert "Educational".

3. On page 2, line 5; and page 5, line 4, before "educational" insert "state".

4. On page 5, lines 4 and 24, after "consortium" insert "established in section 79-4,140.08".

5. On page 6, line 3, strike "center's" and insert "Educational Technology Center's".

LEGISLATIVE BILL 1117A. Placed on Select File.
LEGISLATIVE BILL 1127. Placed on Select File.

LEGISLATIVE BILL 294. Placed on Select File as amended.
E & R amendments to LB 294:
AM5341

1. In the Standing Committee amendments, AM1450, adopted February 22, 1988:

a. On page 1, strike beginning with "Reissue" in line 3 through "Session" in line 6 and insert "Revised Statutes Supplement"; and in line 15 after "dollars" insert "and not in excess of seven hundred fifty thousand dollars"; and

b. On page 3, line 7, strike "1987" and insert "1988"; and strike beginning with "Reissue" in line 10 through "Legislature" in line 12 and insert "Revised Statutes Supplement".

2. On page 1, strike lines 2 through 12 and insert "section 77-3804, Reissue Revised Statutes of Nebraska, 1943, and section 77-2734.02, Revised Statutes Supplement, 1987; to change the corporate income tax rate; to change the limitation rate for the franchise tax on financial institutions; to provide an operative date; and to repeal the original sections.".

3. On page 2, strike lines 1 and 2.

(Signed) Scott Moore, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor appointments.

Health and Human Services

Stuart L. Wheeler - Advisory Committee to the Departments of Public Institutions, Social Services, and Correctional Services
David T. Calhoun - Advisory Committee to the Departments of Public Institutions, Social Services, and Correctional Services

(Signed) Bernice Labedz, Chairperson
Legislative Council

Executive Board

STANDING COMMITTEE REPORT
General Affairs

The Committee on General Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Helen Hayes - Nebraska Arts Council

Voting aye: Senators Miller, Elmer, Smith, R. Johnson, and Morehead. Voting nay: None. Absent: Senators Bernard-Stevens, Higgins, and Hartnett.

Helen Cherniack - Nebraska Arts Council

Voting aye: Senators Miller, Elmer, Smith, R. Johnson, and Morehead. Voting nay: None. Absent: Senators Bernard-Stevens, Higgins, and Hartnett.

Fred R. "Bob" Sikyta - Nebraska Liquor Control Commission

Voting aye: Senators Miller, Elmer, Smith, R. Johnson, and Morehead. Voting nay: None. Absent: Senators Bernard-Stevens, Higgins, and Hartnett.

(Signed) Patricia S. Morehead, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 292 and LR 293.

MOTION - Return LR 15CA to Select File

Mrs. Higgins moved to return LR 15CA to Select File for the following specific amendment:

Strike the Enacting Clause

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mrs. Higgins withdrew her pending motion to return.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 15CA.

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 NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 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:

CIII-24 "The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise ~~where~~ when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket, or requires an expenditure of substantial effort or time, except ~~;~~ ~~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. 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~~ horseraces, wherever run, either within or outside of the state, by the parimutuel ~~or certificate~~ method, when such wagering is conducted by licensees within ~~the race track~~ a licensed racetrack 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, except that ~~; 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:

"A constitutional amendment to authorize wagering by the parimutuel method on horseraces run either within or outside of the state if such wagering is conducted at a licensed racetrack.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 41:

Abboud	Coordsen	Johanns	Lynch	Rogers
Ashford	Dierks	Johnson, L.	McFarland	Schellpeper
Baack	Elmer	Johnson, R.	Miller	Scofield
Barrett	Goodrich	Korshoj	Moore	Smith
Bernard-Stevens	Haberman	Labedz	Morehead	Warner
	Hall	Lamb	Nelson	Wehrbein
Campbell	Hannibal	Landis	Peterson	Weihing
Chizek	Hefner	Langford	Remmers	Wesely
Conway	Higgins			

Voting in the negative, 2:

Chambers Marsh

Present and not voting, 1:

Hartnett

Excused and not voting, 5:

Beyer	Johnson, V.	Pirsch	Schmit	Withem

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

SPEAKER BARRETT PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 190.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-2050, 71-2051, 71-6009, and 71-6038, Reissue Revised Statutes of Nebraska, 1943; to redefine care staff member; to authorize the administration of oxygen as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Coordsen	Higgins	Lynch	Rogers
Ashford	Dierks	Johanns	McFarland	Schellpeper
Baack	Elmer	Johnson, L.	Miller	Scofield
Barrett	Goodrich	Johnson, R.	Moore	Smith
Bernard-Stevens	Haberman	Korshoj	Morehead	Warner
	Hall	Lamb	Nelson	Wehrbein
Campbell	Hannibal	Landis	Peterson	Weihing
Chizek	Hartnett	Langford	Remmers	Wesely
Conway	Hefner			

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Labedz	Marsh

Excused and not voting, 5:

Beyer	Johnson, V.	Pirsch	Schmit	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 383. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5301 to 71-5303, 71-5309, 71-5310, and 71-5313, Reissue Revised Statutes of Nebraska, 1943; to change provisions of the Nebraska Safe Drinking Water Act; to define a term; to prohibit the use of certain materials in public water supply systems as prescribed; to provide exceptions; to authorize monitoring of water supplies; to provide for and change disciplinary provisions relating to permits and certificates of competency; to provide for notice of and service of process for certain proceedings; 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, 42:

Abboud	Conway	Hefner	Marsh	Rogers
Ashford	Coordsen	Higgins	McFarland	Schellpeper
Baack	Dierks	Johanns	Miller	Scofield
Barrett	Elmer	Johnson, L.	Moore	Smith
Bernard-Stevens	Goodrich	Johnson, R.	Morehead	Warner
	Haberman	Korshoj	Nelson	Wehrbein
Campbell	Hall	Labedz	Peterson	Weihing
Chambers	Hannibal	Lamb	Remmers	Wesely
Chizek	Hartnett	Landis		

Voting in the negative, 0.

Present and not voting, 2:

Langford Lynch

Excused and not voting, 5:

Beyer	Johnson, V.	Pirsch	Schmit	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 383A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 383, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Conway	Hefner	Lynch	Rogers
Ashford	Coordsen	Johanns	Marsh	Schellpeper
Baack	Dierks	Johnson, L.	McFarland	Scofield
Barrett	Elmer	Johnson, R.	Miller	Smith
Bernard-Stevens	Goodrich	Korshoj	Moore	Warner
	Haberman	Labedz	Morehead	Wehrbein
Campbell	Hall	Lamb	Nelson	Weihing
Chambers	Hannibal	Landis	Remmers	Wesely
Chizek	Hartnett			

Voting in the negative, 0.

Present and not voting, 3:

Higgins	Langford	Peterson

Excused and not voting, 5:

Beyer	Johnson, V.	Pirsch	Schmit	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 520.

A BILL FOR AN ACT relating to schools; to amend sections 79-402.09, 79-426.19, 79-511, 79-1254.07, 79-12,104, and 79-12,105, Reissue Revised Statutes of Nebraska, 1943; to require organization

of reorganized and new school districts as prescribed; to provide for the commencement of preferred rights to reemployment for certain employees; to redefine a term; to change a provision relating to termination of contracts by reorganized school districts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Conway	Hefner	Lynch	Rogers
Ashford	Coordsen	Higgins	Marsh	Schellpeper
Baack	Dierks	Johanns	McFarland	Scofield
Barrett	Elmer	Johnson, L.	Miller	Smith
Bernard-Stevens	Goodrich	Johnson, R.	Moore	Warner
	Haberman	Korshoj	Morehead	Wehrbein
Campbell	Hall	Labedz	Nelson	Weihing
Chambers	Hannibal	Lamb	Peterson	Wesely
Chizek	Hartnett	Landis	Remmers	

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 5:

Beyer	Johnson, V.	Pirsch	Schmit	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 602. With Emergency.

A BILL FOR AN ACT relating to purchasing; to amend section 32-226, Reissue Revised Statutes of Nebraska, 1943, and sections 23-3104 to 23-3106, Revised Statutes Supplement, 1986; to redefine terms; to change a provision relating to the employment of a purchasing agent as prescribed; to provide for the purchase of election supplies, materials, equipment, and services as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Conway	Hefner	Lynch	Rogers
Ashford	Coordsen	Higgins	Marsh	Schellpeper
Baack	Dierks	Johnson, L.	McFarland	Scofield
Barrett	Elmer	Johnson, R.	Miller	Smith
Bernard-Stevens	Goodrich	Korshoj	Moore	Warner
	Haberman	Labedz	Morehead	Wehrbein
Campbell	Hall	Lamb	Nelson	Weihing
Chambers	Hannibal	Landis	Peterson	Wesely
Chizek	Hartnett	Langford	Remmers	

Voting in the negative, 1:

Johanns

Excused and not voting, 5:

Beyer	Johnson, V.	Pirsch	Schmit	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 606.

A BILL FOR AN ACT relating to crimes and penalties; to amend section 28-511, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to theft; and to repeal the original section.

Whereupon the 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	Campbell	Conway	Elmer
Ashford	Bernard-Stevens	Chambers	Coordsen	Goodrich
Baack		Chizek	Dierks	Haberman

Hall	Johnson, L.	Langford	Morehead	Scofield
Hannibal	Johnson, R.	Lynch	Nelson	Smith
Hartnett	Korshoj	Marsh	Peterson	Warner
Hefner	Labedz	McFarland	Remmers	Wehrbein
Higgins	Lamb	Miller	Rogers	Weihing
Johanns	Landis	Moore	Schellpeper	Wesely

Voting in the negative, 0.

Excused and not voting, 5:

Beyer	Johnson, V.	Pirsch	Schmit	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 828.

A BILL FOR AN ACT relating to counties; to amend section 23-135, Reissue Revised Statutes of Nebraska, 1943, and sections 23-3101, 23-3102, 23-3104, 23-3106, and 23-3107, Revised Statutes Supplement, 1986; to authorize approval of payment for certain property; to provide for the sale of surplus personal property which is obsolete or not usable as prescribed; 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, 43:

Abboud	Coordsen	Higgins	Lynch	Rogers
Ashford	Dierks	Johanns	Marsh	Schellpeper
Baack	Elmer	Johnson, L.	McFarland	Scofield
Bernard-Stevens	Goodrich	Johnson, R.	Miller	Smith
	Haberman	Korshoj	Moore	Warner
Campbell	Hall	Labedz	Morehead	Wehrbein
Chambers	Hannibal	Lamb	Nelson	Weihing
Chizek	Hartnett	Landis	Peterson	Wesely
Conway	Hefner	Langford	Remmers	

Voting in the negative, 0.

Present and not voting, 1:

Barrett

Excused and not voting, 5:

Beyer Johnson, V. Pirsch Schmit Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendments to LB 377

Mr. Hall withdrew his pending amendment found in the Journal on page 568 to LB 377.

Mr. Wesely withdrew his pending amendments, AM2052 and AM2051, found in the Journal on page 867 to LB 377.

MOTION - Return LB 377 to Select File

Mr. Hall moved to return LB 377 to Select File for the following specific amendment:

(Amendments to Final Reading copy)

1. On page 6, line 9, after "section," insert "in computing the ten year period, it shall be from the date of the prior offense to the date of the offense which resulted in the current conviction."; and capitalize on line 9 after "conviction." {T}he.

2. On page 13, line 4, after "section," insert "in computing the ten year period, it shall be from the date of the prior offense to the date of the offense which resulted in the current conviction."; and capitalize on line 4 after "conviction." {T}he.

3. On page 14, line 20, after "section," insert or reinstate the operator's license pursuant to section 60-505.02"

The Hall motion to return prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 377. The Hall specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 377 to Select File

Mr. Moore moved to return LB 377 to Select File for his specific amendment, AM2067, found in the Journal on page 896.

The Moore motion to return prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 377. The Moore specific amendment, AM2067, found in the Journal on page 896 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.

MOTION - Bracket LB 377

Mr. Wesely moved to bracket LB 377 on E & R for Engrossment until March 10, 1988.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolution: 828, 606, 602, 520, 383A, 383, 190, and LR15CA.

MOTION - Bracket LB 377

Mr. Wesely renewed his pending motion to bracket LB 377 on E & R for Engrossment until March 10, 1988.

The Wesely motion to bracket prevailed with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1219. Placed on General File.

LEGISLATIVE BILL 1098. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 1012 in the Journal. No objections. So ordered.

AM1934

1. Insert the following new section:

"Section 1. That section 42-121, Revised Statutes Supplement, 1986, be amended to read as follows:

42-121. (1) Before any county clerk ~~shall issue~~ issues a marriage license, each applicant for such license shall file with him or her a certificate which shall state whether the female applicant has laboratory evidence of immunological response to rubella, commonly known as German measles. The certificate shall not be required to contain such evidence of response to rubella when the female applicant ~~(1)~~ (a) is over fifty years of age, ~~(2)~~ (b) has had a surgical sterilization, or ~~(3)~~ (c) presents laboratory evidence of a prior test declaring her immunity to rubella. If the laboratory evidence indicates a negative immunological response to rubella, the female applicant shall be notified in writing of an opportunity for counseling in regard to the significance of the absence of antibodies to rubella or shall be sent written material indicating such significance.

(2) Before any county clerk issues a marriage license, each applicant for such license shall file with him or her a certificate which states whether the applicant has laboratory evidence of exposure to human immunodeficiency syndrome or any other identified causative agent of acquired immunodeficiency syndrome.

(3) The results of all tests shall be reported to the laboratory of the Department of Health. All laboratory notifications shall be confidential and shall not be open to public inspection, except that the Director of Health or some person appointed by him or her may discuss the notification with the attending physician.".

2. On page 3, line 25, strike "1" and insert "2".

3. On page 14, line 19, strike "4" and insert "5"; and in line 20 strike "7 and 9" and insert "8 and 10".

4. On page 15, line 2, strike "4 to 7 and 9" and insert "5 to 8 and 10"; and in line 20 after the second comma insert "and section 42-121, Revised Statutes Supplement, 1986,".

5. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 940 in the Journal. No objections. So ordered.

AM2185

(Amendments to Standing Committee amendments, AM1851)

1. Insert the following new sections:

"Sec. 8. The School Financing Review Commission is hereby created. The commission shall consist of thirteen members: (1) The chairperson of the Legislature's Education Committee; (2) the chairperson of the Legislature's Appropriations Committee; (3) the Commissioner of Education or his or her designee; (4) a representative of the Governor; (5) a member residing in a Class I school district; (6) a member residing in a Class II school district; (7) two members residing in a Class III school district; (8) a member residing in a Class IV school district; (9) a member residing in a Class V school district; (10) a member residing in a Class VI school district; and (11) two members from the state at large.

The members described in subdivisions (5) to (11) of this section shall be appointed by the Governor with the approval of the Legislature within thirty days after the effective date of this act to serve through June 30, 1989. Vacancies shall be filled by the Governor for the remainder of the term. No member of the commission shall receive any compensation for his or her services. Reimbursement shall be provided for reasonable and necessary expenses incurred by members of the commission as provided in sections 81-1174 to 81-1177 for state employees.

The commission shall cease to exist June 30,

1989.

Sec. 9. The School Financing Review Commission shall conduct an indepth review of the financing of the public elementary and secondary schools. The committee shall:

(1) Examine the option of using income as a component in the financing of schools;

(2) Examine financing methods used in other states which offer alternatives to the current heavy reliance on property tax;

(3) Examine financing issues as they relate to the quality and performance of the schools; and

(4) Prepare a report with recommendations and a plan to implement the recommendations. The report shall be presented to the Legislature by March 1, 1989.

Sec. 10. The School Financing Review Commission has the power in carrying out its duties:

(1) To hire staff including consultants;

(2) To obtain assistance from the State Department of Education and the Department of Revenue in acquiring data needed to carry out its duties; and

(3) To contract for any necessary facilities, equipment, and services including computer services.

Sec. 11. The Legislature shall appropriate, from the General Fund, such money as may be necessary to permit the School Financing Review Commission to carry out its duties. The appropriation shall be at least one hundred thousand dollars.

Sec. 12. (1) After the effective date of this act, if a school district merges with another school district or if two or more districts combine to form a new district, the accepting district or new district shall not receive less financial support under the School Foundation and Equalization Act than the former districts combined received.

(2) Payments to the accepting district or new district shall be made from the School District Reorganization Fund, which fund is hereby created. The Legislature shall appropriate an amount necessary to provide funding to implement subsection (1) of this section. Payments shall be made to the school districts in the manner provided in section 79-1333. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections

72-1237 to 72-1269.

(3) The provisions of this section shall not apply after June 30, 1993.

Sec. 13. That section 79-1335, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1335. To be eligible for aid, except for foundation aid under the provisions of section 79-1334, and incentive payments under section 79-1340, from the School Foundation and Equalization Fund each school district shall have levied, in the manner prescribed by law, a tax on the valuation of all taxable property within the school district for the preceding year, except intangible property, on each one hundred dollars, as follows: (1) For Class I school districts offering education in grades kindergarten through six, not less than nineteen cents, and in Class I school districts offering education in grades kindergarten through eight, ~~not less than eight mills and commencing January 1, 1981,~~ not less than ~~twenty-eight~~ twenty-six cents; (2) for Class II, III, IV, and V school districts, ~~not less than twelve mills and commencing January 1, 1981,~~ not less than forty-two cents; and (3) for Class VI school districts offering education in grades seven through twelve, not less than twenty-three cents, and in Class VI school districts offering education in grades nine through twelve, ~~not less than eight mills and commencing January 1, 1981,~~ not less than ~~twenty-eight~~ sixteen cents.

Sec. 14. It is the intent of the Legislature to restore funding to the School Foundation and Equalization Fund to the amount actually appropriated by the Legislature for the 1982-83 school year, which amount was one hundred thirty-three million seven hundred sixteen thousand one hundred dollars.".

2. On page 12, line 22, strike "9" and insert "16".

3. On page 13, line 5, strike "and" and after the last comma insert "and 79-1335,".

4. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 940 in the Journal. No objections. So ordered.

AM2186

(Amendments to Standing Committee amendments, AM1851)

1. On page 1, strike beginning with the colon in line 4 through "Orderly" in line 5 and insert "orderly"; and in line 14 after "that" insert a colon and strike "all" and insert paragraphing and "(1) All".

2. On page 2, line 9, after "the" insert "Bureau of Educational Research and Field Studies in the Department of Education Administration at the" and strike "Nebraska" and insert "Nebraska-Lincoln".

3. On page 8, line 23, after "accepts" insert "at least ten".

4. On page 9, line 1, strike "board" and insert "committee"; in line 4 after the period insert "The county superintendent shall annually call a meeting of all the school board members of such Class I school districts, not a part of a Class VI school district, for the purpose of establishing such advisory committees."; in line 11 strike "board" and insert "committee" and strike "(1)"; in line 12 strike "quarterly" and insert "biannually"; strike beginning with the comma in line 13 through "(3)" in line 14 and insert "and"; in line 19 after "and" insert "each"; in line 22 after "instruction" insert "of participating Class I school districts"; and in line 23 after "instruction" insert "of such accepting school district or Class VI school district".

PRESIDENT NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1105. Title read. Considered.

Standing Committee amendments, AM1789, found in the Journal on page 586 for the Sixteenth Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 257 in the Journal. No objections. So ordered.

AM2211

1. On page 2, line 4, after the period insert "(1)"; in line 17 after "center" insert an underscored comma, strike the first "or" and show as stricken, and reinstate the stricken comma; and strike beginning with "Each" in line 21 through line 24, show the old matter as stricken, and insert:

"(2)(a) Until January 1, 1991, a county with a city of the first class within its boundaries may contract with medical facilities inside or outside the county to provide a place where individuals subject to subsection (1) of this section may be held. Such individuals in such counties may be placed in a jail only if they cannot be adequately protected in other facilities.

(b) Commencing January 1, 1991, a county with a city of the first class within its boundaries shall contract with medical facilities inside or outside the county to provide a place where individuals subject to subsection (1) of this section shall be held. Such individuals in such counties shall not be placed in a jail.

(3) Each county other than a county with a city of the first class within its boundaries may contract with medical facilities inside or outside the county to provide a place where individuals subject to subsection (1) of this section shall be held.

When an individual subject to subsection (1) of this section is placed in a jail the person in charge of the jail shall immediately notify the community mental health center for the area that the individual is being held and is in need of placement in an appropriate facility. The community mental health center shall identify an appropriate placement such as a mental health center, a state hospital, or other government or private hospital. Until a placement is identified the community mental health center shall report to the jail every twenty-four hours on the status of the placement. Once an appropriate placement is identified, it shall be implemented within twenty-four hours.

(4) Community mental health centers shall

collect data on all individuals subject to subsection (3) of this section and make regular reports to the Department of Public Institutions as required by the department.".

2. On page 3, line 5, after the period insert "(1)"; in line 13 after "custody" insert an underscored period; strike beginning with "and" in line 14 through "hospital" in line 15, show as stricken, and insert "When a mental health center, a state hospital, or other government or private hospital has the capability to detain such subject in the county in which the subject is found, the subject shall be placed in such facility,"; and in line 22 after the period insert:

"(2)(a) Until January 1, 1991, a county with a city of the first class within its boundaries may contract with medical facilities inside or outside the county to provide a place where subjects described in subsection (1) of this section may be held. Such subjects in such counties may be placed in a jail only if they cannot be adequately protected in other facilities.

(b) Commencing January 1, 1991, a county with a city of the first class within its boundaries shall contract with medical facilities inside or outside the county to provide a place where subjects described in subsection (1) of this section shall be held. Such subjects in such counties shall not be placed in a jail.

(3) Each county other than a county with a city of the first class within its boundaries shall contract with medical facilities inside or outside the county to provide a place where subjects described in subsection (1) of this section shall be held.

When a subject described in subsection (1) of this section is placed in a jail the person in charge of the jail shall immediately notify the community mental health center for the area that the subject is being held and is in need of placement in an appropriate facility. The community mental health center shall identify an appropriate placement such as a mental health center, a state hospital, or other government or private hospital. Until a placement is identified the community mental health center shall report to the jail every twenty-four hours on the status of the placement. Once an appropriate placement is identified, it shall be

implemented within twenty-four hours.

(4) Community mental health centers shall collect data on all subjects described in subsection (1) of this section and make regular reports to the Department of Public Institutions as required by the department.".

3. On page 4, line 1, after the period insert "(1)"; in line 5 after "custody" insert an underscored period; strike beginning with "in" in line 5 through "jail" in line 7 and show the old matter as stricken; and in line 17 after the period insert: "If a subject is to be retained in custody and a mental health center, a state hospital, or other government or private hospital has the capability to detain such subject in the county in which the subject is found, the subject shall be placed in such facility.

(2)(a) Until January 1, 1991, a county with a city of the first class within its boundaries may contract with medical facilities inside or outside the county to provide a place where subjects described in subsection (1) of this section may be held. Such subjects in such counties may be placed in a jail only if they cannot be adequately protected in other facilities.

(b) Commencing January 1, 1991, a county with a city of the first class within its boundaries shall contract with medical facilities inside or outside the county to provide a place where subjects described in subsection (1) of this section shall be held. Such subjects in such counties shall not be placed in a jail.

(3) Each county other than a county with a city of the first class within its boundaries shall contract with medical facilities inside or outside the county to provide a place where subjects described in subsection (1) of this section shall be held.

When a subject described in subsection (1) of this section is placed in a jail the person in charge of the jail shall immediately notify the community mental health center for the area that the subject is being held and is in need of placement in an appropriate facility. The community mental health center shall identify an appropriate placement such as a mental health center, a state hospital, or other government or private hospital. Until a placement is identified the

community mental health center shall report to the jail every twenty-four hours on the status of the placement. Once an appropriate placement is identified, it shall be implemented within twenty-four hours.

(4) Community mental health centers shall collect data on all subjects described in subsection (1) of this section and make regular reports to the Department of Public Institutions as required by the department.".

4. Strike original section 4.

5. Renumber remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1028A. Introduced by Marsh, 29th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1028, Ninetieth Legislature, Second Session, 1988.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 1126. Placed on General File.

LEGISLATIVE BILL 118. Indefinitely postponed.
LEGISLATIVE BILL 120. Indefinitely postponed.
LEGISLATIVE BILL 928. Indefinitely postponed.
LEGISLATIVE BILL 951. Indefinitely postponed.
LEGISLATIVE BILL 1048. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

Transportation

LEGISLATIVE BILL 833. Placed on General File as amended.
Standing Committee amendment to LB 833:
AM2197

1. Strike the original sections and insert the following new sections:

"Section 1. That section 39-671, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

39-671. (1) Whenever any police officer, or other authorized employee of a law enforcement agency who is employed by a political subdivision of the state and specifically empowered by ordinance to act, shall find a vehicle standing upon a highway in violation of any of the provisions of ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road, such individual may remove or have such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle, to a position off the roadway of such highway or from such highway.

(2) The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicle. ~~The owner or other person lawfully entitled to the possession of such vehicle may be charged with the reasonable cost for such removal and storage, payable before such vehicle is released. Any such towing or storage fee shall become a security interest in the vehicle prior to all other claims.~~

Sec. 2. That section 60-2410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2410. The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicle. ~~The owner of any motor vehicle towed or stored pursuant to sections 60-2401 to 60-2411 shall be liable for any towing and storage fees incurred but neither the motor vehicle nor the contents therein shall be subject to any storage or towing lien except as provided in section~~

~~60-2404.~~

Sec. 3. That original sections 39-671 and 60-2410, 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.".

(Signed) Howard Lamb, Chairperson

Natural Resources

LEGISLATIVE BILL 1182. Placed on General File as amended.
Standing Committee amendments to LB 1182:
AM2190

1. On page 2, line 2, strike "Rural"; in line 8 strike "rural"; strike beginning with "develop" in line 13 through "the" in line 14 and insert "assist in the development, implementation, and"; in line 18 after "That" insert "such"; and in line 21 before "The" insert "(1)".

2. On page 3, line 1, after the period insert "Such recommendations shall include a report on all landfills in the state which have closed or ceased operations. The report shall include the location of each such landfill and the date or approximate date of closure or ceasing operations, if known, and shall identify and assess the extent of contamination occurring at the landfill site, if any. The department shall also provide any recommendations for remedial action it determines are necessary. The county board of each county shall provide assistance in the location of such landfills and shall provide public notice soliciting information from the residents of the county regarding the location of such landfills. The Department of Health shall provide technical assistance and advice to the Department of Environmental Control in the identification and reporting process."; in line 2 before "In" insert "(2)"; after line 3 insert the following new subdivision:

"(a) Cooperate with local governmental entities, including municipalities, counties, and natural resources districts;" in line 4 strike "(1)" and insert "(b)"; in line 9 strike "(2)" and insert "(c)";

in line 13 strike "(3)" and insert "(d)"; in line 15 strike "(4)" and insert "(e)"; and in line 20 strike "(5)" and insert "(f)".

3. Insert the following new sections:

"Sec. 5. That section 19-4104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-4104. City shall mean any city of the metropolitan, primary, ~~or~~ first, or second class or village.

Sec. 6. That section 81-1528, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1528. (1) The Environmental Protection Act shall not apply in any political subdivision which provides for the control of air, water, or land pollution by resolution, ordinance, or regulation not inconsistent with the substantive provisions of the Environmental Protection Act or any rule or regulation adopted and promulgated pursuant to such act, except that no such resolution, ordinance, or regulation shall become effective until a certificate of exemption has been issued by the director. Such certificate of exemption shall be available for inspection in the office of the county, city, or village clerk as the case may be.

(2) If the director shall determine at any time after the issuance of such a certificate that a resolution, ordinance, or regulation is being enforced in a manner inconsistent with the Environmental Protection Act or any rule or regulation adopted and promulgated pursuant to such act in any political subdivision holding a certificate of exemption, the director may suspend the certificate of exemption and the Environmental Protection Act shall apply in such political subdivision until such standards are met and a new certificate is issued.

(3) Any political subdivision desiring a certificate of exemption shall make application for such certificate by filing a petition for certificate of exemption with the director. The director or his or her designated representative shall promptly investigate such petition. If the recommendation of the director or his or her designated representative is against the

granting of a certificate of exemption and he or she, in his or her discretion, concludes that a hearing would be advisable, a hearing shall be held as provided in section 81-1507 on the questions of whether the resolution, ordinance, or regulation is consistent with the substantive provisions of the Environmental Protection Act or any rule or regulation adopted and promulgated pursuant to such act, and whether adequate provisions have been made for enforcement. The burden of proof shall be upon the political subdivision. A like hearing shall be held upon any proposed suspension of a certificate of exemption.

(4) If the director finds that the location, character, or extent of particular concentrations of population, air, water, or land contaminant sources, the geographic, topographic, or meteorological considerations, or any combination thereof, are such as to make impracticable the maintenance of appropriate levels of air, water, or land quality without an areawide air, water, or land pollution control program, the director may determine the boundaries within which such program is necessary and require it as the only acceptable alternative to direct state administration.

~~(5) Nothing in the Environmental Protection Act shall be construed to supersede or oust the jurisdiction of any local air, water, or land pollution control program in operation on May 26, 1971. Within one year from such date any such program shall meet all requirements of the Environmental Protection Act for a local air, water, or land pollution control program. Any approval required from the department shall be deemed granted unless the department takes specific action to the contrary.~~

~~(6) Cities of the second class and villages shall be exempt from the provisions of sections 19-4101 to 19-4121 and the Environmental Protection Act pertaining to licensing and control of nonhazardous solid waste disposal systems if such cities and villages provide solid waste disposal systems which do not result in the pollution of waters of the state. The department shall act in an advisory capacity to such cities and villages and shall have the right to inspect solid waste disposal sites and evaluate them according to the site evaluation criteria promulgated pursuant to the Resource~~

~~Recovery and Conservation Act, as amended, 42 U.S.C. 6901 et seq. The department shall notify the community of the results of its evaluation.~~

Sec. 7. Sections 5, 6, and 8 of this act shall become operative on January 1, 1990. The remaining sections of this act shall become operative on their effective date.

Sec. 8. That original sections 19-4104 and 81-1528, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

4. Insert underscoring in original sections 1 to 4.

LEGISLATIVE BILL 1217. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2106.)

(Signed) Loran Schmit, Chairperson

MESSAGES FROM THE GOVERNOR

February 24, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 646, 693, 693A and 758 were received in my office on February 19, 1988.

These bills were signed by me on February 24, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

February 24, 1988

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

Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 180, 370, 435, and 490 were received in my office on February 18, 1988.

These bills were signed by me on February 24, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 295. Introduced by McFarland, 28th District.

WHEREAS, Betty Loudon is a resident of Lincoln, Nebraska, and was recently named Nebraska Mother of the Year by the Nebraska Mothers Association; and

WHEREAS, she has been an active and dedicated volunteer for the Commission on Indian Affairs and the Nebraska Commission on the Status of Women; and

WHEREAS, she has been active in her church and was president of the Altar Society and of the Lincoln Diocesan Council of Catholic Women; and

WHEREAS, she has been a research associate for the Nebraska State Historical Society for twenty-one years; and

WHEREAS, together with her husband of forty-one years, has raised six children who recognize their personal responsibility toward the welfare of the community by her excellent example; and

WHEREAS, she will be honored on March 10 at the annual meeting of the Nebraska Mothers Association and on March 11 in a ceremony at the State Capitol; and

WHEREAS, she will be competing at the national convention of American Mothers Inc. in April; and

WHEREAS, her dedicated service and expertise have benefitted the State of Nebraska and the City of Lincoln.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges this honor which has been bestowed upon Betty Loudon and her service to the State, her church, and her family.

2. That a copy of this resolution be presented to Betty Loudon as a token of the recognition of her accomplishments by the members of the Legislature.

Laid over.

SELECT FILE

LEGISLATIVE BILL 124. Considered.

Mr. Miller asked unanimous consent to be excused. No objections. So ordered.

Mr. R. Johnson renewed his pending amendment, AM1030, found in the Journal on page 1784, First Session, 1987.

Messrs. Hannibal and Korshoj asked unanimous consent to be excused. No objections. So ordered.

The R. Johnson amendment was adopted with 26 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Schmit moved to indefinitely postpone LB 124.

Laid over.

SPEAKER BARRETT PRESIDING

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 294 in the Journal. No objections. So ordered.

AM2135

(Amendments to Standing Committee amendments)

1. Insert the following new section:

"Section 1. That section 77-2715.02, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2715.02. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the

Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A, B, and E shall be the same as for the federal rate schedules in effect for tax year ~~1987~~ 1988;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) The primary rate set by Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .64, ~~1.0, 1.59, 1.87, and 1.87~~ .96, 1.53, 1.84, and 2.06;

(e) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to tenths of one percent, except for the primary rate which shall be expressed in hundredths of one percent; and

(f) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be seven times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax

Commissioner may build the personal exemptions and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.".

2. On page 1, strike beginning with "Reissue" in line 3 through "Session" in line 6 and insert "Revised Statutes Supplement".

3. On page 3, line 7, strike "1987" and insert "1988"; and strike beginning with "section" in line 9 through "Legislature" in line 12 and insert "sections 77-2715.02 and 77-2734.02, Revised Statutes Supplement".

4. Renumber the remaining sections accordingly.

Mrs. Morehead asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2207

(Amendments to Standing Committee amendments, AM2171)

1. On page 53, line 4, strike "and" and show as stricken; and in line 7 after "lottery" insert ", and not more than thirty-five percent of the definite profit shall be paid to the licensed pickle card operator for selling pickle cards on behalf of the licensed organization".

STANDING COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 1232. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2171.)

(Signed) Patricia S. Morehead, Chairperson

Agriculture

LEGISLATIVE BILL 911. Placed on General File as amended. Standing Committee amendments to LB 911:

AM2103

1. Strike original sections 10, 11, and 25.

2. On page 3, line 1, strike "47" and insert "44".

3. On page 4, line 23, strike "13" and insert "11".

4. On page 5, line 1, strike "14" and insert "12"; and in line 18 strike "27" and insert "24".

5. On page 6, line 14; and page 7, line 22, strike "19" and insert "17".

6. On page 6, strike lines 20 through 22; in line 23 strike "(3)" and insert "(2)"; and in line 25 strike "(4)" and insert "(3)".

7. On page 7, line 2, strike "(5)" and insert "(4)"; in line 4 strike "(6)" and insert "(5)"; in line 6 strike "(7)" and insert "(6)"; in line 7 after the semicolon insert "and"; strike lines 8 and 9; in line 10 strike "(9) Seven" and insert "(7) Nine"; in line 15 strike "The" and insert "In addition, there shall be two at-large members, one representing county boards and one representing county weed control superintendents. Except for the at-large members, the"; and strike beginning with "or" in line 22 through line 25 and insert an underscored period.

8. On page 8, strike lines 1 through 16 and insert:

"Sec. 15. (1) No more than five of the nine appointed members of the commission may be affiliated with one political party. Each member shall be a citizen and a bona fide resident of the district from which appointed or, in the case of the at-large members, of the state. If a member other than an at-large member ceases to be a bona fide resident of the district from which appointed, his or her office shall be deemed vacant.

(2) The nine appointed members shall serve for terms of four years, except that the members initially appointed to represent the three even-numbered districts and one at-large member designated by the Governor shall serve two-year terms. As the term of an appointed member expires, the Governor shall appoint a successor. A successor of a district representative shall be from the same district as the member whose term has expired. Each member shall serve until the appointment and qualification of his or her successor. In the event of a vacancy, the Governor shall appoint a successor for

the remainder of the term. A successor of a district representative shall be from the same district as the member whose position has become vacant.".

9. On page 9, strike beginning with "who" in line 4 through "subdivisions" in line 7.

10. On page 10, strike beginning with "by" in line 3 through line 4 and insert "during the 1989 calendar year in the same manner and on the same dates as real property taxes by the county treasurers. On July 1, 1989, the county treasurers shall forward one-half of the fee collected to the State Treasurer, and on January 1, 1990, the county treasurers shall forward the remaining one-half to the State Treasurer. The county treasurers shall forward any late fees which are collected to the State Treasurer within ninety days after collecting such fee. The"; and in line 5 strike "who".

11. On page 10, line 9; page 13, line 6; page 31, line 14; and page 40, line 12, strike "41" and insert "38".

12. On page 12, lines 7 and 8, strike "department" and insert "commission".

13. On page 13, line 24; and page 14, line 6, strike "and the department".

14. On page 14, line 9, strike "The director or any" and insert "Any".

15. On page 15, line 15, strike "39" and insert "36".

16. On page 17, line 6, after "authority" insert ", which board shall either be the county board or an independent elected body".

17. On page 20, line 3, strike "The" and insert "If the control board is not the county board, the"; and in line 5 strike ", not less than twelve dollars,".

18. On page 21, line 12, after "(f)" insert "Establish a weed control fund which shall be available for expenses authorized to be paid from such fund including necessary expenses of the control authority in carrying out its duties and responsibilities;

(g)"; in line 17 strike "(g)" and insert "(h)"; and strike beginning with "Establish" in line 21 through line 25.

19. On page 22, line 1, strike "(b)"; in line

4 strike "(c)" and insert "(b)"; in line 7 strike "(d)" and insert "(c)"; and in line 19 after "shall" insert ", pursuant to the County Purchasing Act,".

20. On page 23, line 8, after "goods" insert "or services".

21. On page 24, line 25, strike "and one".

22. On page 25, strike line 1; in line 17 strike the first comma and insert "and" and strike ", and designated"; in line 18 strike "board member"; and in line 21 strike the first comma and insert "and" and strike ", or board member".

23. On page 26, line 23, strike the first comma and insert "and" and strike ", and the"; and in line 24 strike "designated board member".

24. On page 28, line 12, after "insurance" insert ", self-insurance,".

25. On page 29, line 25; page 34, line 25; page 37, line 7; page 38, line 1; and page 40, lines 2 and 25, strike "40" and insert "37".

26. On page 31, line 21, strike "43" and insert "40".

27. On page 32, line 3; and page 33, line 16, strike "37" and insert "34".

28. On page 35, line 5, strike "treasurer" and insert "clerk"; and in line 9 after "purpose" insert "upon approval by the county board".

29. On page 38, lines 2 and 5, strike "42" and insert "39".

30. On page 41, line 2, strike "45" and insert "42"; and in line 6 strike "22 or 31" and insert "20 or 28".

31. Renumber the remaining sections accordingly.

(Signed) Rod Johnson, Chairperson

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on February 25, 1988, at 11:35 a.m., was the following resolution: LR15CA.

(Signed) Pam Moravec, Enrolling Clerk

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 25, 1988, at 11:38 a.m., were the following bills: 190, 383, 383A, 520, 602, 606, and 828.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Member Excused

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 316. E & R amendments, AM5274, found in the Journal on page 374 for the Ninth Day were adopted.

Mr. Wesely renewed his pending amendment, AM1982, found in the Journal on page 820.

The Wesely amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:
Add new sections:

1. Corporal punishment shall be prohibited in public schools.

2. That section 28-1413, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows: Strike and show stricken,

28-1413(2) ~~The actor is a teacher or a person otherwise entrusted with the care or supervision for a special purpose of a minor and:~~

~~(a) The actor believes that the force used is necessary to further such special purpose, including the maintenance of reasonable discipline in a school, class or other group, and that the use of such force is consistent with the welfare of the minor, and~~

~~(b) the degree of force, if it had been used by the parent or guardian of the minor, would not be unjustified under subdivision (1)(b) of this section,~~

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Chambers amendment was adopted with 25 ayes, 10 nays, 6 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 9 nays, 7 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 868. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 868A. E & R amendment, AM5335, found in the Journal on page 871 for the Twenty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 913. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jerry Bowden from Cairo, Nebraska; Charles Orr, Dennis Mach, Gene Bittner, Mel Givens, Richard Woita, Tom VanDike, and Mary Seive from Fremont; 28 fourth grade students and teacher from St. John's Lutheran School, Seward; Jerry and Heide Sieck and Julie Reno; 9 eighth grade students and teachers from Emmanuel Lutheran School, York; Steve Driggs from North Platte; and Mamadou Bamba, Gnigoli Ehouman, Assana Sangare, and Djirabou Yobou from Abidjan, Cote D'Ivoire, West Africa.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Friday, February 26, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 26, 1988

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 26, 1988

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Lynch and Withem who were excused; and Messrs. Chambers, Conway, Haberman, Hall, McFarland, Schmit, Mesdames Labedz, and Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Third Day was approved.

MESSAGE FROM THE GOVERNOR

February 25, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 814 was received in my office on February 19, 1988.

This bill was signed by me on February 25, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

ATTORNEY GENERAL'S OPINION

Opinion No. 88013

DATE: February 18, 1988

SUBJECT: LB 890, Ninetieth Legislature, Second Session, with specific reference to the Standing Committee amendments thereto as stated in the Legislative Journal on pages 665-670 (February 3, 1988). In connection therewith three (3) questions are asked:

1. Is it constitutional for the Legislature to delegate to the Coordinating Commission for Postsecondary Education or to the Education Committee the authority to develop a comprehensive plan for nursing education, which includes the nursing education programs of the University of Nebraska?

2. Does such a grant of authority contradict the decision of the Nebraska Supreme court in Board of Regents v. Exon, 199 Neb. 146, 256 N.W.2d 146 (1977)?

3. If the Legislature may delegate authority to the Coordinating Commission for Postsecondary Education or the Education Committee to develop a comprehensive Plan for nursing education, including the nursing education programs of the University of Nebraska, would the Board of Regents be required to implement

such plan as it relates to the nursing education programs of the University of Nebraska?

REQUESTED BY: Senator Arlene Nelson
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

If LB 890, as amended on February 3, 1988, became operative law, the University of Nebraska, the technical community college areas, the state colleges, the Nebraska Coordinating Commission for Postsecondary Education (hereinafter, NCCPE) and the Department of Health would be required to establish a joint advisory committee to ensure coordinated program development and delivery in nursing education and the allied health professions. This joint advisory committee would be charged with a duty to submit a comprehensive plan for nursing education to the NCCPE by November 30, 1988. The plan, as stated in section 3(2) of LB 890, as amended,

> {S}hall include, but not be limited to (a) the identification of current and future nursing personnel needs and nursing education needs, (b) the identification of all necessary existing nursing programs and those nursing programs which may need to be added over the next five years, (c) the identification of procedures to articulate nursing programs and an identification of those existing nursing programs which are currently articulated and (d) the identification of procedures and standards which will ensure that qualified faculty are employed and that adequate clinical facilities exist which will promote the maintenance or attainment of fully articulated programs.

NCCPE, pursuant to LB 890, as amended, is granted the power to review the plan and to "make any changes it deems appropriate" and thereafter it is required to forward the plan to the Education Committee of the Nebraska Legislature by not later than February 1, 1989. The Education Committee, at its discretion, may require a hearing on the plan. If no hearing is held before April 15, 1989, the plan shall be deemed operational. The questions stated above are discussed in the order stated.

A STATUTE REPOSING, IN EFFECT, AN ABSOLUTE UNREGULATED AND UNDEFINED DISCRETION IN AN ADMINISTRATIVE BODY, BESTOWS ARBITRARY POWERS AND UNLAWFULLY DELEGATES LEGISLATIVE POWER.

It is well settled law that the constitutionality of a statute is to be tested, not by what has been done or may be done under it, but what the law authorizes to be done under its provisions. City of Beatrice v. Wright, 72 Neb. 689, 101 N.W. 1039 (1904); Anderson v. Carlson, 171 Neb. 741, 107 N.W.2d 535 (1961). It is also well settled law that the Legislature, in creating an administrative body, cannot delegate power which is conferred solely upon the Legislature. Smithberger v. Banning, 129 Neb. 651, 262 N.W. 492 (1935); Terry Carpenter, Inc. v. Nebraska Liquor Control Commission, 175 Neb. 26, 120 N.W.2d 374 (1963). Here, LB 890, as amended, creates a joint advisory committee which is charged with a duty to submit a comprehensive plan for nursing education to the NCCPE which is granted the power to "make any changes" in the plan "it deems appropriate" without any designated limitations and the duty to forward it to the Education Committee of the Nebraska Legislature on or before a day certain who in turn may hold a hearing thereon but if it does not hold a hearing, the plan, as forwarded by the NCCPE, becomes operative law. In our opinion, the unregulated and undefined discretion granted to the NCCPE to "make any changes" in the plan "it deems appropriate" is an impermissible delegation of legislative power reserved to the Legislature and consequently LB 890, as amended, violates Article II, section 1, of the Constitution of Nebraska.

THE GENERAL GOVERNMENT OF THE UNIVERSITY OF NEBRASKA VESTS IN THE BOARD OF REGENTS AND CANNOT BE DELEGATED.

Pursuant to Article VII, section 10, of the Constitution of Nebraska, the voting members of the Board of Regents are elected by the people. In Board of Regents v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1977), the Nebraska Supreme Court stated that the purpose of the constitutional provision cited "was to remove the University from the plenary control of the Legislature and establish the Board of Regents as an independent body charged with the power and responsibility to manage and operate the University as free from political influence and control as possible." 199 Neb. at 148.

As noted above, LB 890, as amended, authorizes a joint committee to prepare a comprehensive plan for nursing education and the NCCPE, whose members are not elected by the people, is granted the power to "make any changes" in the plan "it deems appropriate." As a result, the NCCPE could, pursuant to LB 890, as amended, dictate to the Board of Regents a comprehensive plan for nursing education at the University of Nebraska and how it was to be managed and operated. In our opinion, that grant of power to NCCPE violates Article VII, section 10, of the Constitution of

Nebraska. The general government of the University of Nebraska vests in the Board of Regents and cannot be delegated.

CONCLUSION

In our opinion, LB 890, as amended, is unconstitutional for the reasons stated above. It is therefore unnecessary to consider your third and last question.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

20-01-9

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

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 657. Placed on Select File as amended.
E & R amendments to LB 657:
AM5345

1. In the Goodrich amendment adopted February 23, 1988, found on page 714 of the Journal on page 1, lines 3 to 4, strike "The provisions of this" and insert "This".

2. On page 1, line 1, strike "real".

3. On page 3, line 2, strike "subsection (2)" and insert "subsections (2) and (3)"; and in line 6 strike "Subsection (2)" and insert "Subsections (2) and (3)".

LEGISLATIVE BILL 664. Placed on Select File as amended.
E & R amendment to LB 664:
AM5342

1. In the Miller et al. amendment, AM2112, adopted February 23, 1988:

a. On page 2, line 3, strike "any"; and in line 24 strike "Farm Mediation Act" and insert "act";

b. On page 3, line 24, after the second "and" insert "their";

c. On page 4, line 7, after the first "and" insert "his or her";

d. On page 7, line 6, strike "are" and insert "shall be";

e. On page 9, line 12, strike "under Chapter 22"; in line 14 strike "Services" and insert "service"; in line 18 strike "shall make" and insert "makes"; and in line 20 after "session" insert a comma; and

f. On page 10, line 4, strike "84-1416" and insert "84-1414"; and in line 9 strike "This act" and insert "The Farm Mediation Act".

LEGISLATIVE BILL 664A. Placed on Select File as amended.
E & R amendments to LB 664A:
AM5343

1. On page 1, line 3; and page 2, line 7, strike "First Session, 1987" and insert "Second Session, 1988".

2. On page 2, lines 3 and 11, strike "1987" and insert "1988"; in lines 3, 4, 11, and 12, strike "1988" and insert "1989"; and in lines 5 and 12 strike "1989" and insert "1990".

LEGISLATIVE BILL 836. Placed on Select File as amended.
E & R amendments to LB 836:
AM5344

1. On page 2, line 17, strike "under the" and insert "entered into under section 4 of this".

2. On page 3, line 3, strike "motor" and insert "cooperative"; in line 10 after the third comma insert "or", strike the fourth comma, and after "or" insert "the"; and in lines 15 and 17 to 18 strike "entered into under section 4 of this act".

3. On page 4, line 8, strike the period and insert an underscored semicolon.

4. On page 5, line 20, strike "their" and insert "his or her".

5. On page 7, line 1, after "6" insert an underscored comma.

LEGISLATIVE BILL 836A. Placed on Select File.
LEGISLATIVE BILL 823. Placed on Select File.

LEGISLATIVE BILL 972. Placed on Select File as amended.

E & R amendments to LB 972:
AM5346

1. On page 1, line 2, strike "sections 77-2702 and" and insert "section"; strike beginning with "new" in line 4 through "parts" in line 5 and insert "farm tractors and implements of husbandry"; in line 6 after "provide" insert "an" and strike "dates" and insert "date"; and in line 7 strike "sections" and insert "section".

2. On page 37, lines 16 and 18, strike "does", show as stricken, and insert "shall".

LEGISLATIVE BILL 972A. Placed on Select File.

(Signed) Scott Moore, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 838A. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 838, Ninetieth Legislature, Second Session, 1988.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 287.

RESOLUTIONS

LEGISLATIVE RESOLUTION 289. Read. Considered.

LR 289 was adopted with 18 ayes, 0 nays, and 31 not voting.

LEGISLATIVE RESOLUTION 290. Read. Considered.

LR 290 was adopted with 19 ayes, 0 nays, and 30 not voting.

LEGISLATIVE RESOLUTION 291. Read. Considered.

LR 291 was adopted with 16 ayes, 0 nays, and 33 not voting.

LEGISLATIVE RESOLUTION 294. Read. Considered.

LR 294 was adopted with 21 ayes, 0 nays, and 28 not voting.

ANNOUNCEMENT

The Chair announced today is Senator Weihing's birthday.

GENERAL FILE

LEGISLATIVE RESOLUTION 7CA. Read. Considered.

Standing Committee amendments, AM0661, found in the Journal on page 1220 for the Forty-Seventh Day, First Session, 1987, were adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Mr. R. Johnson renewed his pending amendment, AM1723, found in the Journal on page 486.

The R. Johnson amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. V. Johnson and Chambers offered the following amendment:
to amend LR 7 to raise amount to $1,500.00 per month on page 2, line 10.

Messrs. McFarland, Goodrich, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

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. V. Johnson moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. V. Johnson requested a roll call vote on the V. Johnson-Chambers amendment.

Voting in the affirmative, 27:

Ashford	Chambers	Hall	Labedz	Schellpeper
Baack	Chizek	Hartnett	Moore	Schmit
Barrett	Conway	Higgins	Morehead	Scofield
Bernard-Stevens	Coordsen	Johanns	Peterson	Smith
Campbell	Dierks	Johnson, R.	Remmers	Wesely
	Elmer	Johnson, V.		

Voting in the negative, 17:

Abboud	Hefner	Landis	Nelson	Warner
Beyer	Johnson, L.	Langford	Pirsch	Wehrbein
Haberman	Korshoj	Miller	Rogers	Weihing
Hannibal	Lamb			

Excused and not voting, 5:

Goodrich	Lynch	Marsh	McFarland	Withem

The V. Johnson-Chambers amendment was adopted with 27 ayes, 17 nays, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Review with 26 ayes, 1 nay, 17 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 847A. Introduced by V. Johnson, 8th District; Barrett, 39th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 847, Ninetieth Legislature, Second Session, 1988; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2220
(Amendments to Standing Committee amendments, AM2171)
1. On page 30, line 13, after "one" insert "or more" and strike "operator. Such" and insert "operators. A"; and in line 15 after "exceed" insert "such operator's".
2. On page 34, line 23, after "corporation" insert ", which holds a retailer's license for consumption on the premises or a bottle club license issued by the Nebraska Liquor Control Commission pursuant to the Nebraska Liquor Control Act,".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1039A in the Journal. No objections. So ordered.

AM2209
1. On page 2, line 1, strike "(1)"; in line 2 strike "$75,000" and insert "$125,000"; strike beginning with "1989" in line 3 through the comma in line 5 and insert "1990,"; strike lines 9 through 12; and in line 15 strike "subdivision (2) of".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1039 in the Journal. No objections. So ordered.

AM2208
(Amendments to Standing Committee amendments, AM1705)
1. On page 6, line 5, strike "seventy-five" and insert "one hundred twenty-five".
2. Insert the following new section:
"Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1181. Placed on General File as amended.
Standing Committee amendment to LB 1181:
AM2189
1. On page 3, line 10, after "state" insert "or a laboratory certified by the state".

(Signed) Loran Schmit, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 655. Placed on General File as amended.
Standing Committee amendment to LB 655:
AM2202

1. Strike the original sections and insert the following new sections:

"Section 1. Any annuity paid pursuant to sections 81-2014 to 81-2034 to any officer, patrol officer, or surviving spouse qualified to receive such payment shall be increased by an amount equal to three percent for each year such officer or patrol officer was in retirement commencing on and after January 1, 1978, until December 31, 1984.

Sec. 2. Any annuity paid pursuant to sections 81-2014 to 81-2034 to any officer, patrol officer, or surviving spouse qualified to receive such payment shall be adjusted to an amount not less than the amount of the federal Office of Management and Budget poverty income guideline applicable to this state and the size of the recipient's family unit. For purposes of this section, family unit shall mean any officer or patrol officer and his or her spouse, a surviving spouse, any handicapped dependent, or any dependent who is younger than nineteen years of age.".

(Signed) Rex Haberman, 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 25, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Cutshall, Bruce A. - Lincoln, U.S. Ecology, Inc.
Hurst, Jon B. - Hershey, PA, Hershey Foods Corporation
Moody, Randy - Lincoln, Thurber, J. David

Ryan, James E. - Lincoln, National Tax Limitation Committee; National Taxpayers Union
Schoening, Steven L. - Omaha, General Drivers and Helpers-Local Union 554

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 972 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2172.)

GENERAL FILE

LEGISLATIVE RESOLUTION 258CA. Read. Considered.

Standing Committee amendments, AM1749, found in the Journal on page 531 for the Fourteenth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 588. Title read. Considered.

Standing Committee amendments, AM0465, found in the Journal on page 944 for the Thirty-Eighth Day, First Session, 1987, were considered.

Mr. Baack offered the following amendment to the pending Standing Committee amendments:
AM1627

(Amendments to Standing Committee amendments)
1. Strike amendment 1.
2. Renumber amendment 2 as amendment 1.

The Baack amendment was adopted with 18 ayes, 0 nays, 25 present and not voting, and 6 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Barrett offered the following amendment:
AM2219

1. Insert the following new sections:

"Sec. 2. That section 49-235, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-235. A special state election may be called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting proposed amendments to the Constitution to the electors. Such election shall be held on a date specified by the Legislature, which date shall fall on a Tuesday and be not less than ~~seventy-five~~ sixty days after passage of the act calling such election.

Sec. 3. Section 1 of this act shall become operative three calendar months after the adjournment of the Ninetieth Legislature, Second Session. The other sections of this act shall become operative on their effective date.

Sec. 4. That original section 49-235, Reissue Revised Statutes of Nebraska, 1943, is 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.".

2. Add underscoring to section 1.

The Barrett 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 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 475.

A BILL FOR AN ACT relating to powers of attorney and other instruments; to adopt the Nebraska Short Form 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, 41:

Abboud	Coordsen	Johnson, L.	Miller	Schellpeper
Ashford	Dierks	Johnson, R.	Moore	Schmit
Baack	Elmer	Johnson, V.	Morehead	Scofield
Barrett	Goodrich	Korshoj	Nelson	Smith
Bernard-Stevens	Haberman	Labedz	Peterson	Warner
	Hall	Lamb	Pirsch	Wehrbein
Campbell	Hannibal	Landis	Remmers	Weihing
Chizek	Hartnett	Langford	Rogers	Wesely
Conway	Hefner			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Johanns

Excused and not voting, 6:

Beyer	Lynch	Marsh	McFarland	Withem
Higgins				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 871.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3005, 2-3008, 2-3108 to 2-3110, 2-3501 to 2-3504, 2-3506, 2-3514, 2-3517, 2-3519 to 2-3524, 2-4301, 2-4326, and 81-2,162.14, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3914, 2-3917, 2-3928, 2-3937.01, 2-3938, 2-3941, and 2-3945, Revised Statutes Supplement, 1986; to provide powers and duties for the Department of Agriculture and county attorneys; to create a fund; to provide for a hearing; to provide fees; to redefine terms; to change provisions relating to milk; to eliminate a special fund; to delete obsolete

language; 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	Coordsen	Johanns	Miller	Schellpeper
Ashford	Dierks	Johnson, L.	Moore	Schmit
Baack	Elmer	Johnson, R.	Morehead	Scofield
Barrett	Goodrich	Johnson, V.	Nelson	Smith
Bernard-Stevens	Haberman	Korshoj	Peterson	Warner
	Hall	Labedz	Pirsch	Wehrbein
Campbell	Hannibal	Lamb	Remmers	Weihing
Chizek	Hartnett	Landis	Rogers	Wesely
Conway	Hefner	Langford		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Beyer	Lynch	Marsh	McFarland	Withem
Higgins				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 519.

A BILL FOR AN ACT relating to labor; to amend section 48-816, Revised Statutes Supplement, 1987; to change a provision relating to membership in a bargaining unit as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Coordsen	Johanns	Langford	Rogers
Ashford	Dierks	Johnson, L.	Miller	Schellpeper
Baack	Elmer	Johnson, R.	Moore	Schmit
Barrett	Goodrich	Johnson, V.	Morehead	Scofield
Bernard-Stevens	Haberman	Korshoj	Nelson	Smith
	Hall	Labedz	Peterson	Warner
Campbell	Hannibal	Lamb	Pirsch	Wehrbein
Chizek	Hartnett	Landis	Remmers	Wesely
Conway	Hefner			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Weihing

Excused and not voting, 6:

Beyer	Lynch	Marsh	McFarland	Withem
Higgins				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 838 to Select File

Mr. Schellpeper moved to return LB 838 to Select File for his specific amendment, AM2136, found in the Journal on page 995.

The Schellpeper motion to return prevailed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 838. The Schellpeper specific amendment, AM2136, found in the Journal on page 995 was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 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: 475, 871, and 519.

MOTION - Return LB 838 to Select File

Mr. Schmit moved to return LB 838 to Select File for the following specific amendment:
AM2235

(Amendments to Final Reading Copy)

1. On page 4, line 18, after "sites" insert "throughout the state".

The Schmit motion to return prevailed with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 838. The Schmit specific amendment, AM2235, found in this day's Journal was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 845. With Emergency.

A BILL FOR AN ACT relating to inheritance taxes; to amend sections 77-2004 and 77-2006, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the determination of certain relatives; to change provisions relating to the value of beneficial interests which can be taxed; 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	Bernard-Stevens	Campbell	Conway
Baack			Chizek	Coordsen

Dierks	Hartnett	Labedz	Nelson	Smith
Elmer	Hefner	Lamb	Peterson	Warner
Goodrich	Johanns	Landis	Pirsch	Wehrbein
Haberman	Johnson, L.	Miller	Remmers	Weihing
Hall	Johnson, V.	Moore	Schellpeper	Wesely
Hannibal	Korshoj	Morehead	Scofield	

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Johnson, R.	Langford	Rogers	Schmit
Chambers				

Excused and not voting, 6:

Beyer	Lynch	Marsh	McFarland	Withem
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.

GENERAL FILE

LEGISLATIVE BILL 1012A. Title read. Considered.

Mr. Wesely offered the following amendment:
AM2212

1. On page 2, strike lines 8 through 10 and insert:

"Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $69,375 for the period July 1, 1988, to June 30, 1989, nor $73,190 for the period July 1, 1989, to June 30, 1990.".

The Wesely amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 980A. 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.

LEGISLATIVE BILL 963A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 943. E & R amendments, AM5340, found in the Journal on page 999 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 963. E & R amendments, AM5337, found in the Journal on page 1000 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 845.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 881. Placed on General File.

LEGISLATIVE BILL 1055. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz and Mr. Hall asked unanimous consent to print the following amendment to LB 294 in the Journal. No objections. So ordered.

AM2241
(Amendments to Standing Committee amendments, AM1450)
1. Insert the following new section:
"Section 1. That section 77-2716.01, Revised

Statutes Supplement, 1987, be amended to read as follows:

77-2716.01. (1) Every individual shall be allowed to subtract from federal adjusted gross income an amount for personal exemptions.

(a) For tax year 1987, the amount allowed to be subtracted shall be one thousand one hundred dollars multiplied by the number of exemptions allowed on the federal return.

(b) For tax years commencing or deemed to begin on or after January 1, 1988: (i) The ~~, the~~ amount allowed to be subtracted, except for an individual who qualifies under subdivision (1)(b)(ii) of this section, shall be one thousand one hundred thirty dollars multiplied by the number of exemptions allowed on the federal return; and (ii) for any individual who is sixty-five years of age or older or blind, the amount for the exemption claimed by the individual or the individual's spouse shall equal the amount of the federal exemption allowed on his or her federal income tax return.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction. The amount of the standard deduction shall depend upon the filing status used on the federal return. For tax year 1987, individuals who file as single or head of household shall be allowed two thousand five hundred thirty dollars, married filing jointly shall be allowed three thousand seven hundred forty dollars, and married filing separately shall be allowed one thousand eight hundred seventy dollars. For tax years commencing or deemed to begin on or after January 1, 1988, individuals who file as single or head of household shall be allowed two thousand five hundred fifty dollars, married filing jointly shall be allowed three thousand seven hundred eighty dollars, and married filing separately shall be allowed one thousand eight hundred ninety dollars.

(3) Every individual who itemized on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or all of his or her federal itemized

deductions, except for the amount deducted on the federal return for state or local income taxes paid.".

2. On page 3, line 9, strike "section" and insert "sections 77-2716.01 and".

3. Renumber the remaining sections accordingly.

Mrs. Labedz and Mr. Hall asked unanimous consent to print the following amendment to LB 294 in the Journal. No objections. So ordered.

AM2237

(Amendments to Standing Committee amendments, AM1450)

1. Insert the following new section:

"Section 1. That section 77-2716.01, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2716.01. (1) Every individual shall be allowed to subtract from federal adjusted gross income an amount for personal exemptions. For tax year 1987, the amount allowed to be subtracted shall be one thousand one hundred dollars multiplied by the number of exemptions allowed on the federal return. For tax years commencing or deemed to begin on or after January 1, 1988, the amount allowed to be subtracted shall be one thousand one hundred thirty dollars multiplied by the number of exemptions allowed on the federal return.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction. The amount of the standard deduction shall depend upon the filing status used on the federal return.

(a) For tax year 1987, individuals who file as single or head of household shall be allowed two thousand five hundred thirty dollars, married filing jointly shall be allowed three thousand seven hundred forty dollars, and married filing separately shall be allowed one thousand eight hundred seventy dollars.

(b) For tax years commencing or deemed to begin on or after January 1, 1988, the amount of the standard deduction shall be as follows: (i) For individuals, except for those individuals who qualify under subdivision (2)(b)(ii) of this section,

individuals who file as single or head of household shall be allowed two thousand five hundred fifty dollars, married filing jointly shall be allowed three thousand seven hundred eighty dollars, and married filing separately shall be allowed one thousand eight hundred ninety dollars; and (ii) for individuals who are sixty-five years of age or older or blind, the standard deduction shall equal the Federal Standard Deduction allowed on their federal individual income tax return.

(3) Every individual who itemized on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or all of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid.".

2. On page 3, line 9, strike "section" and insert "sections 77-2716.01 and ".

3. Renumber the remaining sections accordingly.

Mr. Haberman asked unanimous consent to print the following amendment to LB 972 in the Journal. No objections. So ordered.

AM2233

(Amendments to AM2119)

1. On page 1, line 7, after "year" insert "after the initial sale of the new tractor or implement".

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1105. Placed on Select File as amended.
E & R amendment to LB 1105:
AM5347

1. On page 1, line 2, after "section" insert "77-3507, Reissue Revised Statutes of Nebraska, 1943, and sections"; strike line 5; and in line 6 strike "exemption" and insert "the percentage of certain homestead exemptions".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Moore asked unanimous consent to have his name withdrawn as co-introducer to LB 972. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 316. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 296. Introduced by Pirsch, 10th District; Wesely, 26th District; Morehead, 30th District.

WHEREAS, the March of Dimes Birth Defects Foundation is celebrating its fiftieth anniversary as a voluntary health organization working to assure healthy lives for America's children and to prevent disability and illness throughout the counties of our state and the nation; and

WHEREAS, the March of Dimes was founded in 1938 to raise funds through the efforts of thousands of volunteers to support the development of a vaccine that virtually eliminated the crippling human toll of polio; and

WHEREAS, for the past thirty years the March of Dimes has been a pioneer in preventing birth defects, the nation's number one child health problem, through research, education, and health care programs; and

WHEREAS, the March of Dimes commitment to improving maternal and child health care has helped to reduce the incidence of birth defects, low birth weight, and infant mortality; and

WHEREAS, the state's hope for assuring future generations of children a healthy start in life depends on the efforts and commitment of all our citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature declares 1988 as March of Dimes Fiftieth Anniversary Year and urges all citizens of Nebraska to celebrate this year by supporting the efforts of the March of Dimes to prevent birth defects.

2. That the Clerk of the Legislature mail a copy of this resolution to the March of Dimes Birth Defects Foundation.

Laid over.

VISITORS

Visitors to the Chamber were 14 seniors and teacher from Litchfield; 50 Girl Scouts and leader from across the state; 16 ninth grade students and teacher from Lincoln East High School; 18 fourth grade students and teacher from Sacred Heart School, Lincoln; 14 seniors and teacher from Coleridge High School; and 12 seniors and teacher from Murdock High School.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Weihing, the Legislature adjourned until 9:00 a.m., Monday, February 29, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - FEBRUARY 29, 1988

LEGISLATIVE JOURNAL

THIRTY-FIFTH DAY - FEBRUARY 29, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 29, 1988

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Baack, Bernard-Stevens, Chambers, Conway, Goodrich, Haberman, R. Johnson, Lynch, Moore, Schellpeper, Warner, Wesely, Mesdames Higgins, and Labedz 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 26, 1988, at 12:20 p.m., were the following bills: 475, 871, 519, and 845.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 1127 in the Journal. No objections. So ordered.

AM2247

1. Insert the following new section:

"Sec. 2. That section 60-315, Revised Statutes Supplement, 1987, be amended to read as follows:

60-315. (1)(a) Upon transfer of ownership of any motor vehicle or cabin trailer as defined in section 60-301, (b) in case of loss of possession because of fire, theft, dismantlement, or junking, (c) when a salvage certificate of title is issued, or (d) whenever a type or class of motor vehicle previously registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated on the public roads and no longer subject to registration fees and taxes, the registration shall expire and the registered owner may, by returning the registration certificate and number plates and, when appropriate, the renewal tabs and, after making affidavit to the county treasurer of such transfer, loss, legislative act, or court decision, receive a refund of that part of the unused fees on passenger vehicles, trucks, and cabin trailers based on the number of unexpired months remaining in the registration period from the date of transfer or loss, the effective date of the legislative act, or the date the court decision is rendered, except that when such vehicle or trailer is transferred, the legislative act is enacted, or the court decision is rendered within the same calendar month in which acquired, no refund shall be allowed for such month. ~~The registered owner shall make a claim for credit or refund of the unused fees within thirty days from the date of the loss or transfer, the effective date of the legislative act, or the date the court decision is rendered or shall be deemed to have forfeited his or her right to such refund.~~ Application for registration or for reassignment of number plates and, when appropriate, renewal tabs to another motor vehicle or cabin trailer shall be made within fifteen days of the date of purchase.

(2) Whenever the registered owner files an application with the county treasurer showing that a

motor vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate and number plates and, when appropriate, the renewal tabs or, in the case of the unavailability of such certificate or certificates, number plates, or tabs, then by making an affidavit to the treasurer of such disablement and removal from service, receive a credit for a portion of the registration fee from the fee deposited with the State Treasurer at the time of registration based upon the number of unexpired months remaining in the registration year. When the owner registers a replacement vehicle at the time of filing such affidavit, the credit may be immediately applied against the registration fee for the replacement vehicle. When no such replacement vehicle is so registered, the county treasurer shall forward the application and affidavit, if any, to the State Treasurer who shall determine the amount, if any, of the allowable credit and furnish a certificate therefor to the owner. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been canceled, the fee shall be that portion of the registration fee for the remainder of the registration year.".

2. On page 4, line 12, strike "is" and insert "and section 60-315, Revised Statutes Supplement, 1987, are".

3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 295. Read. Considered.

LR 295 was adopted with 21 ayes, 0 nays, and 28 not voting.

MOTION - Approve Appointments

Mrs. Morehead moved the adoption of the report of the General Affairs Committee for the following Governor appointments found in the Journal on page 1002: Helen Hayes - Nebraska Arts Council; Helen Cherniack - Nebraska Arts Council; and Fred R. "Bob" Sikyta - Nebraska Liquor Control Commission.

Voting in the affirmative, 25:

Barrett	Goodrich	Lamb	Morehead	Smith
Bernard-Stevens	Hefner	Landis	Pirsch	Wehrbein
Beyer	Johnson, L.	Langford	Remmers	Weihing
Coordsen	Johnson, V.	Marsh	Schellpeper	Wesely
Dierks	Korshoj	Miller	Schmit	Withem

Voting in the negative, 0.

Present and not voting, 12:

Campbell	Hall	Johanns	Nelson	Rogers
Chizek	Hannibal	McFarland	Peterson	Scofield
Elmer	Hartnett			

Excused and not voting, 12:

Abboud	Chambers	Higgins	Labedz	Moore
Ashford	Conway	Johnson, R.	Lynch	Warner
Baack	Haberman			

These appointments were confirmed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

MOTION - Place LB 1162 on General File

Mr. Schmit renewed his pending motion found in the Journal on page 936 to place LB 1162 on General File notwithstanding the action of the Revenue Committee.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

The Schmit motion to place LB 1162 on General File lost with 10 ayes, 21 nays, 13 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 297. Introduced by Chizek, 31st District; Goodrich, 20th District; Hannibal, 4th District; Lamb, 43rd District; Korshoj, 16th District; Wesely, 26th District; Abboud, 12th District; Ashford, 6th District; Barrett, 39th District; Nelson, 35th District; Schellpeper, 18th District; Campbell, 22nd District; Johanns, 27th District; Hartnett, 45th District; Landis, 46th District; Baack, 47th District; Remmers, 1st District; Bernard-Stevens, 42nd District; Elmer, 38th District; Langford, 36th District; L. Johnson, 15th District; Morehead, 30th District; Smith, 33rd District; R. Johnson, 34th District; Moore, 24th District; Miller, 37th District; Beyer, 3rd District; Dierks, 40th District; Hefner, 19th District; Scofield, 49th District; Weihing, 48th District; V. Johnson, 8th District.

WHEREAS, the Ninetieth Legislature, First Session, 1987, adopted LB 775 known as the Employment and Investment Growth Act; and

WHEREAS, the act declares, as part of its public policy, that revisions in Nebraska's tax structure are meant to promote the creation and retention of new jobs in Nebraska; and

WHEREAS, the act specifically allows the granting of refunds, credits, or reductions of state taxes for any taxpayer, corporation, or joint venture expanding or investing in property at statutory levels sufficient to receive such refunds, credits, or reductions; and

WHEREAS, expansion or investment by taxpayers, corporations, or joint ventures utilizing the act should be in accordance with the act's public policy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages all taxpayers, corporations, or joint ventures wishing to take advantage of the tax refunds, credits, and reductions pursuant to the Employment and Investment Growth Act to employ Nebraska firms and businesses and a Nebraska labor force in any project of expansion or investment submitted to the Tax Commissioner pursuant to the act.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 1012 in the Journal. No objections. So ordered.

AM2238

1. Insert the following new section:

"Sec. 13. (1) Before any person applies for a marriage license he or she shall be tested to determine whether he or she has laboratory evidence of exposure to human immunodeficiency virus or any identified causative agent of acquired immunodeficiency syndrome. Each applicant for a marriage license shall file a certificate with the Department of Health stating whether he or she has been so tested.

(2) Before any county clerk issues a marriage license, he or she shall determine whether the certificate required by subsection (1) of this section has been filed with the Department of Health.".

2. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE RESOLUTION 266. Reported to the Legislature for further consideration.

(Signed) Jerome Warner, Chairperson

MOTION - Return LB 853 to Select File

Mr. V. Johnson moved to return LB 853 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. V. Johnson withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 853.

A BILL FOR AN ACT relating to counties; to amend section 23-120, Revised Statutes Supplement, 1986; to change provisions relating to levies for buildings; to eliminate certain provisions relating to limitations on appropriations; and to repeal the original section.

Whereupon the 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:

Baack	Coordsen	Johanns	Miller	Warner
Barrett	Goodrich	Korshoj	Moore	Wehrbein
Bernard-Stevens	Haberman	Landis	Nelson	Weihing
Campbell	Hall	Marsh	Schellpeper	Wesely
Conway	Hartnett	McFarland	Scofield	Withem

Voting in the negative, 20:

Abboud	Elmer	Johnson, L.	Langford	Remmers
Ashford	Hannibal	Johnson, R.	Morehead	Rogers
Chizek	Hefner	Johnson, V.	Peterson	Schmit
Dierks	Higgins	Lamb	Pirsch	Smith

Excused and not voting, 4:

Beyer	Chambers	Labedz	Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 854. With Emergency.

A BILL FOR AN ACT relating to the Department of Correctional Services; to authorize a conveyance of certain land; to authorize the receipt and disposition of certain funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Dierks	Johanns	Marsh	Schellpeper
Ashford	Elmer	Johnson, L.	McFarland	Schmit
Baack	Goodrich	Johnson, R.	Miller	Scofield
Barrett	Haberman	Johnson, V.	Moore	Smith
Bernard-Stevens	Hall	Korshoj	Nelson	Warner
Campbell	Hannibal	Labedz	Peterson	Wehrbein
Chizek	Hartnett	Lamb	Pirsch	Weihing
Conway	Hefner	Landis	Remmers	Wesely
Coordsen	Higgins	Langford	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Morehead

Excused and not voting, 3:

Beyer Chambers Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 854A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 854, Ninetieth Legislature, Second Session, 1988; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Chizek	Hall	Johnson, R.	Marsh
Ashford	Conway	Hannibal	Johnson, V.	McFarland
Baack	Coordsen	Hartnett	Korshoj	Miller
Barrett	Dierks	Hefner	Labedz	Moore
Bernard-Stevens	Elmer	Higgins	Lamb	Peterson
Campbell	Goodrich	Johanns	Landis	Pirsch
	Haberman	Johnson, L.	Langford	Remmers

Rogers	Schmit	Smith	Wehrbein	Wesely
Schellpeper	Scofield	Warner	Weihing	Withem

Voting in the negative, 0.

Present and not voting, 2:

Morehead Nelson

Excused and not voting, 3:

Beyer Chambers Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 857.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-114, Reissue Revised Statutes of Nebraska, 1943, and section 60-2304, Revised Statutes Supplement, 1986; to change provisions relating to forms for certificates of title and applications for certificates of title; and to repeal the original sections.

Whereupon the 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	Coordsen	Higgins	Marsh	Schellpeper
Ashford	Dierks	Johanns	McFarland	Schmit
Baack	Elmer	Johnson, L.	Miller	Scofield
Barrett	Goodrich	Johnson, R.	Moore	Smith
Bernard-Stevens	Haberman	Johnson, V.	Nelson	Warner
	Hall	Korshoj	Peterson	Wehrbein
Campbell	Hannibal	Labedz	Pirsch	Weihing
Chizek	Hartnett	Lamb	Remmers	Wesely
Conway	Hefner	Langford	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Landis Morehead

Excused and not voting, 3:

Beyer Chambers Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 872.

A BILL FOR AN ACT relating to the Grain Warehouse Act; to amend section 88-527, Reissue Revised Statutes of Nebraska, 1943; to require a license 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	Elmer	Johnson, L.	McFarland	Schellpeper
Ashford	Goodrich	Johnson, R.	Miller	Schmit
Baack	Haberman	Johnson, V.	Moore	Scofield
Barrett	Hall	Korshoj	Morehead	Smith
Bernard-Stevens	Hannibal	Labedz	Nelson	Warner
Campbell	Hartnett	Lamb	Peterson	Wehrbein
Chizek	Hefner	Landis	Pirsch	Weihing
Conway	Higgins	Langford	Remmers	Wesely
Dierks	Johanns	Marsh	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Coordsen

Excused and not voting, 3:

Beyer Chambers Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 874.

A BILL FOR AN ACT relating to agriculture; to adopt the Plant Protection and Plant Pest Act; to eliminate provisions relating to the eradication of plant diseases and insect and animal pests; to eliminate and change provisions relating to the State Entomologist; to eliminate the Insect Pest and Plant Disease Administrative Cash Fund; to provide an operative date; to provide severability; and to repeal sections 2-1001 to 2-1015, 2-1021 to 2-1038, and 2-1046 to 2-1059, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1016, 2-1017, and 2-1019 to 2-1020, Revised Statutes Supplement, 1986.

Whereupon the 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	Coordsen	Johanns	McFarland	Schellpeper
Ashford	Dierks	Johnson, L.	Miller	Schmit
Baack	Elmer	Johnson, R.	Moore	Scofield
Barrett	Goodrich	Johnson, V.	Morehead	Smith
Bernard-Stevens	Haberman	Korshoj	Nelson	Warner
	Hall	Labedz	Peterson	Wehrbein
Campbell	Hannibal	Lamb	Pirsch	Weihing
Chambers	Hartnett	Landis	Remmers	Wesely
Chizek	Hefner	Langford	Rogers	Withem
Conway	Higgins	Marsh		

Voting in the negative, 0.

Excused and not voting, 2:

Beyer Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 893 to Select File

Mr. Schmit moved to return LB 893 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Schmit withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 893.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1213, 28-1236, 28-1247, 81-502.02 to 81-503, 81-505 to 81-506, 81-509, 81-513, 81-514, 81-520, 81-527, and 81-551, Reissue Revised Statutes of Nebraska, 1943, and section 28-1241, Revised Statutes Supplement, 1986; to define and redefine terms; to correct internal references; to provide powers and duties; to change provisions relating to fireworks; to change provisions relating to the Nebraska Fire Safety Appeals Board; to provide for fees for certain information releases; to authorize and change provisions relating to the closing of unsafe buildings as prescribed; to eliminate a provision authorizing county boards to remove dangerous explosives; to eliminate a restriction on toy revolvers and blank cartridges; to eliminate provisions on electrical inspections in rural areas and on farmsteads; to harmonize provisions; and to repeal the original sections, and also sections 23-335, 28-1243, and 81-539 to 81-541, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Conway	Hartnett	McFarland	Schellpeper
Ashford	Coordsen	Hefner	Miller	Scofield
Baack	Dierks	Higgins	Moore	Smith
Barrett	Elmer	Johanns	Morehead	Warner
Bernard-Stevens	Goodrich	Johnson, L.	Nelson	Wehrbein
Campbell	Haberman	Lamb	Peterson	Weihing
Chambers	Hall	Landis	Pirsch	Wesely
Chizek	Hannibal	Marsh	Remmers	Withem

Voting in the negative, 4:

Johnson, V.	Labedz	Langford	Schmit

Present and not voting, 3:

Johnson, R.	Korshoj	Rogers

Excused and not voting, 2:

Beyer	Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 930.

A BILL FOR AN ACT relating to fees; to amend section 81-505.01, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1902 and 71-1903, Revised Statutes Supplement, 1987; to eliminate a license fee for foster family homes; to authorize payment of certain fees by the Department of Social Services; to change a notice provision 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	Coordsen	Johnson, L.	McFarland	Schellpeper
Ashford	Dierks	Johnson, R.	Miller	Schmit
Baack	Elmer	Johnson, V.	Moore	Scofield
Barrett	Goodrich	Korshoj	Morehead	Smith
Bernard-Stevens	Haberman	Labedz	Nelson	Warner
	Hall	Lamb	Peterson	Wehrbein
Campbell	Hannibal	Landis	Pirsch	Weihing
Chambers	Hartnett	Langford	Remmers	Wesely
Chizek	Hefner	Marsh	Rogers	Withem
Conway	Higgins			

Voting in the negative, 0.

Present and not voting, 1:

Johanns

Excused and not voting, 2:

Beyer Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 957. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1987; to revise the power 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, 45:

Abboud	Coordsen	Higgins	Marsh	Schellpeper
Ashford	Dierks	Johnson, L.	McFarland	Schmit
Baack	Elmer	Johnson, R.	Moore	Scofield
Barrett	Goodrich	Johnson, V.	Morehead	Smith
Bernard-Stevens	Haberman	Korshoj	Nelson	Warner
	Hall	Labedz	Peterson	Wehrbein
Campbell	Hannibal	Lamb	Pirsch	Weihing
Chambers	Hartnett	Landis	Remmers	Wesely
Chizek	Hefner	Langford	Rogers	Withem
Conway				

Voting in the negative, 0.

Present and not voting, 2:

Johanns Miller

Excused and not voting, 2:

Beyer Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 975.

A BILL FOR AN ACT relating to airport authorities; to amend sections 3-502 and 3-616, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the filling of vacancies on city airport authorities; to change a provision relating to the payment of income and other money of a county airport authority; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Johanns	Marsh	Schellpeper
Ashford	Dierks	Johnson, L.	McFarland	Schmit
Baack	Elmer	Johnson, R.	Moore	Scofield
Barrett	Goodrich	Johnson, V.	Morehead	Smith
Bernard-Stevens	Haberman	Korshoj	Nelson	Warner
	Hall	Labedz	Peterson	Wehrbein
Campbell	Hannibal	Lamb	Pirsch	Weihing
Chambers	Hartnett	Landis	Remmers	Wesely
Chizek	Hefner	Langford	Rogers	Withem
Conway	Higgins			

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 2:

Beyer Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 993.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-332, Reissue Revised Statutes of Nebraska, 1943; to change a penalty 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	Coordsen	Johanns	Marsh	Schellpeper
Ashford	Dierks	Johnson, L.	McFarland	Schmit
Baack	Elmer	Johnson, R.	Miller	Scofield
Barrett	Goodrich	Johnson, V.	Moore	Smith
Bernard-Stevens	Haberman	Korshoj	Morehead	Warner
	Hall	Labedz	Nelson	Wehrbein
Campbell	Hannibal	Lamb	Peterson	Weihing
Chambers	Hartnett	Landis	Pirsch	Wesely
Chizek	Hefner	Langford	Remmers	Withem
Conway	Higgins	Lynch	Rogers	

Voting in the negative, 0.

Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 994.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-197, Revised Statutes Supplement, 1987; to expand the definitions of certain terms to include the Federal Deposit Insurance Corporation or other receiver 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	Coordsen	Johanns	Marsh	Schellpeper
Ashford	Dierks	Johnson, L.	McFarland	Schmit
Baack	Elmer	Johnson, R.	Miller	Scofield
Barrett	Goodrich	Johnson, V.	Moore	Smith
Bernard-Stevens	Haberman	Korshoj	Morehead	Warner
Campbell	Hall	Labedz	Nelson	Wehrbein
Chambers	Hannibal	Lamb	Peterson	Weihing
Chizek	Hartnett	Landis	Pirsch	Wesely
Conway	Hefner	Langford	Remmers	Withem
	Higgins	Lynch	Rogers	

Voting in the negative, 0.

Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 995.

A BILL FOR AN ACT relating to credit unions; to amend section 21-1770, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the amendment of bylaws 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	Chizek	Hannibal	Korshoj	Miller
Ashford	Conway	Hartnett	Labedz	Moore
Baack	Coordsen	Hefner	Lamb	Morehead
Barrett	Dierks	Higgins	Landis	Nelson
Bernard-Stevens	Elmer	Johanns	Langford	Peterson
Campbell	Goodrich	Johnson, L.	Lynch	Pirsch
Chambers	Haberman	Johnson, R.	Marsh	Remmers
	Hall	Johnson, V.	McFarland	Rogers

Schellpeper	Scofield	Warner	Weihing	Withem
Schmit	Smith	Wehrbein	Wesely	

Voting in the negative, 0.

Present and not voting, 1:

Beyer

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: 853, 854, 854A, 857, 872, 874, 893, 930, 957, 975, 993, 994, and 995.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 7CA. Placed on Select File as amended.
E & R amendments to LR 7CA:
AM5348

1. In lieu of the V. Johnson-Chambers amendment adopted February 26, 1988, found on page 1043 of the Journal, in the Standing Committee amendments, AM0661, adopted February 26, 1988, on page 1, line 3, after "thousand" insert "five hundred"; and in line 5 after "thousand" insert "five hundred".

2. On page 1, line 4, strike "FIRST" and insert "SECOND"; and in line 12 strike "one half", show as stricken, and insert "one-half".

LEGISLATIVE RESOLUTION 258CA. Placed on Select File as amended.
E & R amendments to LR 258CA:
AM5351

1. On page 1, line 3, strike the first comma and insert "to".

2. On page 2, line 2, strike the first comma and show as stricken.

3. On page 2, line 21; page 3, line 4; and

page 4, line 2, strike "the" and insert "this".

4. On page 4, line 15, underscore the second comma, strike "the", show as stricken, and insert "this", after "Constitution" insert an underscored period, and strike the second "of" and show as stricken; and in line 16 strike "Nebraska." and show as stricken.

5. On page 5, line 10, strike the comma; in line 21 strike the comma and after "and" insert an underscored comma; and in line 22 after "approved" insert an underscored comma.

LEGISLATIVE BILL 588. Placed on Select File as amended.
E & R amendments to LB 588:
AM5349

1. On page 1, line 1, after the semicolon insert "to amend section 49-235, Reissue Revised Statutes of Nebraska, 1943;"; and in line 3 after "caucus" insert "; to change a time restriction on when a special state election may be held; to provide operative dates; to repeal the original section; and to declare an emergency".

2. On page 2, line 6, after "caucus" insert an underscored comma; and in line 8 strike the first comma.

LEGISLATIVE BILL 1012A. Placed on Select File.
LEGISLATIVE BILL 980A. Placed on Select File.

LEGISLATIVE BILL 963A. Placed on Select File as amended.
E & R amendment to LB 963A:
AM5350

1. On page 2, line 14, strike "1987" and insert "1988"; in lines 14 and 15 strike "1988" and insert "1989"; and in line 15 strike "1989" and insert "1990".

(Signed) Scott Moore, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 888A. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 888, Ninetieth Legislature, Second Session, 1988.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1100 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2217.)

Mr. Wesely asked unanimous consent to print the following amendment to LB 257 in the Journal. No objections. So ordered.

AM2120

1. Insert the following new sections:

"Section 1. That section 29-2915, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2915. If the court determines that: (1) The defendant is a mentally disordered sex offender based on the information and conclusions in the presentence investigation; (2) the disorder is treatable; and (3) such treatment is available in the state, the court shall, after first sentencing the defendant as provided by law for the offense for which he or she has been convicted, commit the defendant for treatment to one of the regional centers until such time as the court determines based on the report filed by the Sentencing Review Committee established under section 29-2916 that the defendant is no longer mentally disordered or until the defendant has received the maximum benefit of treatment, except that no sentence to treatment shall exceed the maximum length of such offender's sentence. If the defendant is sentenced to a county jail as a misdemeanant, he or she shall be entitled to have his or her jail sentence reduced while in the county jail or regional center pursuant to section 47-502. If the defendant is discharged from the regional center prior to the maximum length of such offender's sentence, further disposition shall be consistent with sections 29-2919 and 29-2920.

The entire proceeding to determine whether the

defendant is a mentally disordered sex offender and treatable shall be deemed a critical stage of a criminal prosecution at which the defendant shall be accorded all the rights a defendant has in sentencing proceedings. The court's decision that the defendant is a mentally disordered sex offender and the decision to commit the defendant for treatment may be appealed. On appeal the presentence investigation shall be made part of the record of the court.

Sec. 8. That original section 29-2915, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 4, line 18, strike "This" and insert "Sections 2 to 6 and 9 of this"; and in line 19 after the period insert "The other sections of this act shall become operative on their effective date.".

3. Renumber remaining sections accordingly.

4. In the Wesely amendment, AM1587, on page 1, line 2, strike "4" and insert "5"; in line 7, strike "5" and insert "6"; and in line 10 strike "4" and insert "5".

Mr. Wesely asked unanimous consent to print the following amendment to LB 256 in the Journal. No objections. So ordered.

AM2201

(Amendments to Standing Committee amendments)

1. On page 3, line 10, after "the" insert "requested"; strike beginning with "or" in line 10 through "information" in line 11; in line 14 after "the" insert "requested"; in line 15 after "or" insert "a"; and in line 18 after "found" insert "and if the health care information did exist at one time and was maintained by the health care provider state the reasons that the information does not now exist or cannot be found".

Mr. Wesely asked unanimous consent to print the following amendment to LB 1100 in the Journal. No objections. So ordered.

AM2195

1. On page 120, line 23, strike "either"; and in line 25 after "by" insert "the American Psychological Association, by".

2. On page 121, line 2, after "Psychology" insert an underscored comma.

PRESIDENT NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE RESOLUTION 248CA. Read. Considered.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 337A. Mr. Chambers withdrew his pending amendment found in the Journal on page 2575, First Session, 1987.

Mr. Chambers offered the following amendment:
Strike Section 7 of AM1485

The Chambers amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Hefner withdrew his pending amendment, AM1541, found in the Journal on page 2618, First Session, 1987.

Mr. V. Johnson offered the following amendment:
striking the word "list" in Section 2(4) found on Pg. 2 line 21

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Chambers offered the following amendment:
On Pg. 2 line 23 in sub-section 4A of AM1485 strike the word "generally" and in line 24 the word "readily"

Messrs. Schmit and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 29, 1988, at 11:25 a.m., were the following bills: 853, 854, 854A, 857, 872, 874, 930, 957, 975, 993, 994, 995, and 893.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 933 in the Journal. No objections. So ordered.

AM1830

1. On page 2, line 15, strike "a land record", show as stricken, and insert "an alphabetical general".

2. On page 3, line 12, strike "federal" and show as stricken, and strike "liens", show as stricken, and insert "as set forth in section 9-403, Uniform Commercial Code".

3. On page 5, line 13, reinstate the stricken matter and after the reinstated "Director" insert "or"; and in line 23 strike "any", show as stricken, and insert "an" and reinstate the stricken "federal".

4. On page 6, line 12, after "dollar" insert "and fifty cents"; and after line 15 insert the following new subsection:

"(4) The register of deeds and his or her employees or agents shall be exempt from all personal liability as a result of any error or omission in providing information as required by this section, except in cases of willful misconduct or gross negligence.".

RESOLUTION

LEGISLATIVE RESOLUTION 298. Introduced by Wesely, 26th District.

WHEREAS, kidney disease is a major health problem in Nebraska and the United States; and

WHEREAS, 125,000 Nebraskans and 20 million people in the United States suffer from kidney-related diseases and 80,000 people in the United States die each year from end-stage renal disease; and

WHEREAS, kidney transplants are performed in Nebraska each year and nearly 10,000 kidney transplants are performed nationally each year; and

WHEREAS, additional organs, such as the heart, lungs, and pancreas, are needed for transplantation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages Nebraskans to give the gift of life by signing and carrying the Uniform Organ Donor Card which authorizes the use of one's kidneys and other organs after death.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 838.

Correctly Engrossed

The following bills were correctly engrossed: 316, 868, and 868A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 316

The following changes, required to be reported for publication in the Journal, have been made:
ER0259

1. In lieu of the Chambers amendment adopted February 25, 1988, found on page 1034 of the Journal:

a. The following new sections have been inserted:

"Section 1. Corporal punishment shall be prohibited in public schools.

Sec. 2. That section 28-1413, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1413. The use of force upon or toward the person of another is justifiable if:

(1) The actor is the parent or guardian or other person similarly responsible for the general care and supervision of a minor or a person acting at the request of such parent, guardian, or other responsible person and:

(a) Such force is used for the purpose of safeguarding or promoting the welfare of the minor, including the prevention or punishment of his or her misconduct; and

(b) Such force used is not designed to cause or known to create a substantial risk of causing death, serious bodily harm, disfigurement, extreme pain or mental distress, or gross degradation; ~~or~~

(2) ~~The actor is a teacher or a person otherwise entrusted with the care or supervision for a special purpose of a minor and:~~

~~(a) The actor believes that the force used is necessary to further such special purpose, including the maintenance of reasonable discipline in a school, class or other group, and that the use of such force is consistent with the welfare of the minor; and~~

~~(b) The degree of force, if it had been used by the parent or guardian of the minor, would not be unjustifiable under subdivision (1)(b) of this section;~~

~~(3)~~ The actor is the guardian or other person similarly responsible for the general care and supervision of an incompetent person~~,~~ and:

(a) Such force is used for the purpose of safeguarding or promoting the welfare of the incompetent person, including the prevention of his or her misconduct, or, when such incompetent person is in a hospital or other institution for his or her care and custody, for the maintenance of reasonable discipline in such institution; and

(b) Such force used is not designed to cause or known to create a substantial risk of causing death, serious bodily harm, disfigurement, extreme or unnecessary pain, mental distress, or humiliation;

~~(4)~~ (3) The actor is a doctor or other therapist or a person assisting him or her at his or her direction~~,~~ and:

(a) Such force is used for the purpose of administering a recognized form of treatment which the actor believes to be adapted to promoting the physical or mental health of the patient; and

(b) Such treatment is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his or her parent or guardian or other person legally competent to consent in his or her behalf~~,~~ or the treatment is administered in an emergency when the actor believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent;

~~(5)~~ (4) The actor is a warden or other authorized official of a correctional institution~~;~~ and:

(a) He or she believes that the force used is necessary for the purpose of enforcing the lawful rules or procedures of the institution, unless his or her belief in the lawfulness of the rule or procedure sought to be enforced is erroneous and his or her error is the result of ignorance or mistake as to the provisions of sections 28-1406 to 28-1416, any other provision of the criminal law, or the law governing the administration of the institution;

(b) The nature or degree of force used is not forbidden by section 28-1408 or 28-1409; and

(c) If deadly force is used, its use is otherwise justifiable under sections 28-1406 to 28-1416;

~~(6)~~ (5) The actor is a person responsible for the safety of a vessel or an aircraft or a person acting at his or her direction~~;~~ and:

(a) He or she believes that the force used is necessary to prevent interference with the operation of the vessel or aircraft or obstruction of the execution of a lawful order~~;~~ unless such belief in the lawfulness of the order is erroneous and such error is the result of ignorance or mistake as to the law defining such authority; and

(b) If deadly force is used, its use is otherwise justifiable under sections 28-1406 to 28-1416; and

~~(7)~~ (6) The actor is a person who is authorized or required by law to maintain order or decorum in a vehicle, train, or other carrier or in a place where others are assembled, and:

(a) He or she believes that the force used is necessary for such purpose; and

(b) Such force used is not designed to cause or known to create a substantial risk of causing death, bodily harm, or extreme mental distress.";

b. On page 4, line 7, "section" has been struck and "sections 28-1413 and" inserted; and in line 8 "is" has been struck and "are" inserted; and

c. The remaining sections have been renumbered accordingly.

2. On page 1, line 1, "section" has been struck and "sections 28-1413 and" inserted; in line 2 "to prohibit corporal punishment in public schools; to eliminate a justification for the use of force;" has been inserted after the semicolon; and in line 5 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 838
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0260
1. On page 1, line 5, "to create a fund;" has been inserted after the semicolon.

Enrollment and Review Change to LB 868

The following changes, required to be reported for publication in the Journal, have been made:
ER0258
1. On page 2, line 14, "Nebraska" has been inserted after the first "the" and "of the State of Nebraska," has been struck, shown as stricken, and an underscored comma inserted; in line 17 "Nebraska" has been inserted after the first "the"; and in lines 17 to 18 "of the State of Nebraska" has been struck and shown as stricken.
2. On page 3, line 25, "Nebraska" has been inserted after "the".
3. On page 4, line 1, "of the State of Nebraska" has been struck and shown as stricken.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 848. Indefinitely postponed.
LEGISLATIVE BILL 894. Indefinitely postponed.
LEGISLATIVE BILL 999. Indefinitely postponed.
LEGISLATIVE BILL 1018. Indefinitely postponed.
LEGISLATIVE BILL 1024. Indefinitely postponed.
LEGISLATIVE BILL 1121. Indefinitely postponed.
LEGISLATIVE BILL 1122. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 1100 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2265.)

VISITORS

Visitors to the Chamber were Holger Korshoj and Kara Lee Kessler from Omaha; Senator Remmers' grandson, Mark Guilliatt from Fremont; and 20 juniors, seniors, and teacher from Nebraska Lutheran High School, Waco.

ADJOURNMENT

At 11:55 a.m., on a motion by Mrs. Campbell, the Legislature adjourned until 9:00 a.m., Tuesday, March 1, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 1, 1988

LEGISLATIVE JOURNAL

THIRTY-SIXTH DAY - MARCH 1, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 1, 1988

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Norman Porath, Zion Immanuel Lutheran Church, Seward, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Rogers who was excused; and Messrs. Abboud, Ashford, Chambers, Haberman, Hannibal, R. Johnson, McFarland, Schmit, Warner, Wehrbein, Withem, Mesdames Higgins, Johanns, Labedz, Nelson, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fifth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 943 and 963.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 936. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

REPORT

Received report from the Department of Environmental Control of the assessment and classification of community solid waste disposal sites in Nebraska as required by LB 639, 1987.

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LR 258CA in the Journal. No objections. So ordered.

AM2264

1. On page 3, line 3, after "by" insert "this section and".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 337A. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 298. Read. Considered.

LR 298 was adopted with 21 ayes, 0 nays, and 28 not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 295, LR 294, LR 291, LR 290, and LR 289.

UNANIMOUS CONSENT - Member Excused

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 299. Introduced by Pirsch, 10th District; L. Johnson, 15th District.

WHEREAS, children are Nebraska's most important resource; and

WHEREAS, teachers are entrusted with the important basic literate and social skills of our children; and

WHEREAS, teachers are the strength and bulwark of our nation's educational system; and

WHEREAS, the character of our early Nebraska frontier towns was influenced by the schoolteacher.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature proclaims March 1, 1988, as Nebraska Teacher Recognition Day.

2. That the Nebraska Legislature congratulates Wilma Lund, Mary Dahlhauser, Virgie Luis, Kay Keiser, Carolyn Mitchell, and Sherrie Curtiss for being named 1988 schoolteachers of the year in Nebraska.

3. That the Nebraska Legislature applauds and commends all twenty-two thousand schoolteachers in Nebraska who give their time, efforts, and knowledge in order that our children have the opportunity to be well educated.

4. That a copy of this resolution be sent by the Clerk of the Legislature to the 1988 schoolteachers of the year for their exemplary achievement.

MOTION - Suspend Rules

Mrs. Pirsch moved to suspend the rules, Rule 4, Section 6, to permit consideration of LR 299 today.

The Pirsch motion to suspend the rules prevailed with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 299. Considered.

LR 299 was adopted with 24 ayes, 0 nays, and 25 not voting.

CEREMONIES

Mr. V. Johnson moved that a committee of five be appointed to escort Governor Orr to the Chamber to present a proclamation designating the month of March as "Women's History Month."

The motion prevailed.

The Chair appointed Mesdames Smith, Morehead, Marsh, Messrs. Moore, and Lamb to serve on said Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 300. Introduced by Smith, 33rd District; Abboud, 12th District; Ashford, 6th District; Baack, 47th District; Barrett, 39th District; Bernard-Stevens, 42nd District; Beyer, 3rd District; Campbell, 22nd District; Chambers, 11th District; Chizek, 31st District; Conway, 17th District; Coordsen, 32nd District; Dierks, 40th District; Elmer, 38th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Johanns, 27th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Korshoj, 16th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Langford, 36th District; Lynch, 13th District; Marsh, 29th District; McFarland, 28th District; Miller, 37th District; Moore, 24th District; Morehead, 30th District; Nelson, 35th District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Schellpeper, 18th District; Schmit, 23rd District; Scofield, 49th District; Warner, 25th District; Wehrbein, 2nd District; Weihing, 48th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Governor Kay A. Orr is the first elected woman Governor of the State of Nebraska; and

WHEREAS, Governor Kay A. Orr has had many other firsts in her role as a leader in public life as well as in her private life which have made contributions to the state; and

WHEREAS, Nebraska is one of the leading states in the United States with over twenty-two percent of its Senators being women.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Governor Kay A. Orr be respectfully acknowledged and honored as a pioneer in Nebraska government making history and that the citizens of Nebraska join us this first day of March, Nebraska Statehood Day, and the beginning of National Women's History Month, in honoring our Governor and her contributions to our state and nation.

2. That a copy of this resolution be presented to Kay A. Orr, Governor of the State of Nebraska.

MOTION - Suspend Rules

Mrs. Smith moved to suspend Rule 4 Section 6 so as to permit consideration of LR 300 today.

The Smith motion to suspend the rules prevailed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 300. Considered.

LR 300 was adopted with 26 ayes, 0 nays, and 23 not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE RESOLUTION 248CA. Placed on Select File as amended.
E & R amendments to LR 248CA:
AM5352

1. On page 2, line 2, after "seven" insert "~~per cent~~" and underscore "percent"; and in line 18 strike "oftener", show as stricken, and insert "more often".

2. On page 2, lines 5 and 8; page 3, lines 7 to 8; and page 4, lines 1 to 2, strike "per cent", show as stricken, and insert "percent".

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 921. Placed on General File.
LEGISLATIVE BILL 1173. Placed on General File.
LEGISLATIVE BILL 1221. Placed on General File.

LEGISLATIVE BILL 1178. Placed on General File as amended.
Standing Committee amendments to LB 1178:
AM2262

1. On page 3, lines 5, 9, 12, 16, and 17; page 4, lines 15 and 23; page 5, lines 3, 8, 14, and 21; page 6, lines 4, 7, 10, 13, and 23; page 7, lines 15 and 22; page 8, lines 18 and 22; and page 9, line 3, strike "plaintiff" and insert "claimant".

2. On page 3, line 14; page 4, line 13; and page 9, lines 2 and 4, strike "plaintiff's" and insert "claimant's".

3. On page 3, line 16, after "is" insert "equal to or"; in line 17 after "persons" insert "named as defendants"; and in line 24, after "liability" insert "pursuant to a cause of action that makes the fault of the claimant relevant in determining liability or assessing damages".

4. On page 4, line 20, strike "instruct the jury to render" and insert "make"; and in line 21 strike "a special verdict", strike "no" and insert "a", and after "shall" insert "instruct the jury to".

5. On page 5, after line 6 insert the following new subsection:

"(2) In determining the percentages of fault, the trier of fact shall consider both the nature of the conduct of each party at fault and the extent of the causal relation between the conduct and the damages claimed."; in line 7 strike "(2)" and insert "(3)" and strike "determine" and insert "compute"; in line 14 after "after" insert "final" and strike "entered" and insert "rendered or after a defendant's case under Title 11 of the United States Code is closed or dismissed or such defendant has been granted or denied a discharge pursuant to Title 11 of the United States Code"; in line 17 strike "(2)" and insert "(3)"; and in line 25 strike "A party whose liability is" and insert "The reallocation of a party's liability shall not release such party from any claims of contribution or from any".

6. On page 6, strike line 1; in line 9 strike the second "may" and insert "shall"; in line 11 strike the semicolon; in line 12 strike "(b) Specify" and insert "specify"; in line 14 strike the period and insert ":

(b) Allow the claimant to refile its motion under this section after the additional period of time granted pursuant to subdivision (a) of this subsection has expired or after the claimant has taken the action specified by the court pursuant to such subdivision; or"; in line 15 strike "(4)" and insert "(c)" and strike "the court may"; in line 21 strike "(5)" and insert "(4)"; and in line 22 after "after" insert "final".

7. On page 7, line 5, strike "(6)" and insert "(5)"; in line 10 strike "sahll" and insert "shall"; in line 12 after "section" insert "and modifying the judgments accordingly. The court shall make the completed form a part of the record"; and in lines 14, 17, 18, 21, and 23 strike "shall equal" and insert "is".

8. On page 8, lines 1 and 4, strike "shall equal" and insert "is"; in line 5 strike "defendants" and insert "defendant"; and in line 8 strike "Plaintiff's" and insert "Claimant's".

9. On page 9, strike beginning with "In" in line 1 through line 8 and insert:

"(1) The allocated share of the liability attributable to an employer in accordance with subsection (3) of section 4 of this act shall be treated as uncollectible and reallocated in accordance with section 6 of this act to the extent it exceeds the workers' compensation benefits received by the claimant.

(2) The right of an employer who has paid workers' compensation to obtain reimbursement for such compensation by way of direct recovery or subrogation pursuant to section 48-118 shall be reduced by the allocated share of the liability attributable to the fault of the employer.

(3) To determine the amount of reimbursement to which an employer is entitled pursuant to subsection (2) of this section, the court shall complete the following form and shall make the completed form a part of the record:

Employer's Right of Reimbursement

T is the total amount of the judgment

(including amounts allocated to claimant and all other parties). $____

R is the percentage of fault attributable to the employer. ____%

RT is the allocated share of the judgment attributable to the employer. (T x R) $____

CP is the amount of workers compensation benefits paid by the employer to the employee. $____

Reimbursement amount: CP - RT $____

If CP - RT is zero or less, no reimbursement is authorized."; in line 16 after "defendants" insert ", except the defendant whose share is not subject to liability"; in line 11 after "liability" insert "to the plaintiff"; and in line 18 strike "or severally".

10. On page 10, line 7, strike "or severally".

11. Strike original section 12.

12. On page 12, line 7, strike "section 25-21,185 and" and show the old matter as stricken; in line 20 strike "sections 25-21,185 and" and insert "section"; and in line 21 strike "are" and insert "is".

13. Renumber the remaining sections accordingly.

(Signed) Jerry Chizek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 726A. Title read. Considered.

Mr. Barrett moved to indefinitely postpone LB 726A.

The Barrett motion to indefinitely postpone prevailed with 20 ayes, 0 nays, 18 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 288A. Title read. Considered.

Mr. Chambers withdrew his pending amendment found in the Journal on page 2095, First Session, 1987.

Mr. Barrett moved to indefinitely postpone LB 288A.

The Barrett motion to indefinitely postpone prevailed with 17 ayes, 0 nays, 21 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 757A. Title read. Considered.

Mr. Chambers withdrew his pending amendment, AM0999, found in the Journal on page 1734, First Session, 1987.

Mr. Barrett moved to indefinitely postpone LB 757A.

The Barrett motion to indefinitely postpone prevailed with 19 ayes, 0 nays, 20 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 517A. Title read. Considered.

Mr. V. Johnson withdrew his pending amendment, AM1621, found in the Journal on page 478.

Mr. Barrett moved to indefinitely postpone LB 517A.

The Barrett motion to indefinitely postpone prevailed with 21 ayes, 0 nays, 18 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 838A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 160. Title read. Considered.

Standing Committee amendment, AM1839, found in the Journal on page 655 for the Nineteenth Day was considered.

Mr. Hartnett renewed his pending amendment, AM1991, found in the Journal on page 808 to the Standing Committee amendment.

SPEAKER BARRETT PRESIDING

The Hartnett amendment was adopted with 24 ayes, 0 nays, 19 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

Messrs. V. Johnson and Wesely moved to indefinitely postpone LB 160.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

The V. Johnson-Wesely motion to indefinitely postpone lost with 6 ayes, 31 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 35 ayes, 6 nays, 3 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 337A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 337A

The following changes, required to be reported for publication in the Journal, have been made:
ER0261

1. On page 1, the matter beginning with the first "to" in line 1 through line 3 has been struck and "relating to trade secrets; to adopt the Trade Secrets Act." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 952. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 904. Title read. Considered.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb moved to indefinitely postpone LB 904.

Mr. Dierks 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. McFarland moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. McFarland requested a roll call vote on the Lamb motion to indefinitely postpone.

Voting in the affirmative, 23:

Abboud	Dierks	Johnson, L.	Peterson	Smith
Barrett	Elmer	Johnson, R.	Pirsch	Warner
Beyer	Goodrich	Lamb	Remmers	Wehrbein
Campbell	Hannibal	Langford	Schmit	Weihing
Coordsen	Hefner	Nelson		

Voting in the negative, 18:

Baack	Chizek	Johnson, V.	Marsh	Morehead
Bernard-Stevens	Conway	Labedz	McFarland	Scofield
	Haberman	Landis	Miller	Wesely
Chambers	Hall	Lynch	Moore	

Present and not voting, 3:

Ashford	Hartnett	Schellpeper

Excused and not voting, 5:

Higgins Johanns Korshoj Rogers Withem

The Lamb motion to indefinitely postpone prevailed with 23 ayes, 18 nays, 3 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 518. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 160. No objections. So ordered.

Mr. Schmit asked unanimous consent to have his name added as co-introducer to LB 895. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Messrs. V. Johnson and Wesely asked unanimous consent to print the following amendment to LB 229A in the Journal. No objections. So ordered.

AM2175

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $107,771 from the General Fund and $107,770 from federal funds for the period July 1, 1988, to June 30, 1989, and (2) $238,900 from the General Fund and $238,899 from federal funds for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 229, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $165,713 for the period July 1, 1988, to June 30, 1989, nor $379,283 for the period July 1, 1989, to June 30, 1990.

Sec. 2. There is hereby appropriated (1) $483,209 from the General Fund and $731,670 from federal funds for the period July 1, 1988, to June 30, 1989, and (2) $321,105 from the General Fund and $486,375 from federal funds for the period July 1, 1989, to June 30,

1990, to the Department of Social Services, for Program 348, to aid in carrying out the provisions of Legislative Bill 229, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mr. Haberman asked unanimous consent to print the following amendment to LB 972 in the Journal. No objections. So ordered.

AM2245

(Amendments to AM2172)

1. On page 6, strike beginning with "or" in line 8 through "vehicles" in line 9.

2. On page 13, strike beginning with "repairs" in line 8 through "vehicle" in line 9 and insert "attorney services".

3. On page 14, line 2, strike "repair services on a motor vehicle" and insert "attorney services".

4. On page 19, line 15, strike "repair services on motor vehicles" and insert "attorney services".

5. On page 22, strike beginning with "repair" in line 2 through "vehicles" in line 3 and insert "attorney services".

6. On page 24, strike beginning with "repair" in line 3 through "vehicles" in line 4 and insert "attorney services"; and in line 8 strike "or repairs on motor vehicles".

7. On page 25, lines 5 and 6, strike the new matter and reinstate the stricken matter.

8. On page 26, strike beginning with "repair" in line 7 through "vehicles" in line 8 and insert "attorney services".

9. On page 28, strike beginning with "repair" in line 14 through "vehicles" in line 15 and insert "attorney services".

10. On page 29, line 22, strike "motor vehicle repair" and insert "attorney"; and in line 23 after the comma insert "the receipt of proceeds from an adverse party, or his or her representative for settling a civil action,".

11. On page 38, line 16; page 39, lines 3 and 22; and page 41, line 14, strike "motor vehicle repair" and insert "attorney".

12. On page 43, after line 7, insert the following:

'Sec. 2. All sales taxes received on attorney services and proceeds for settlements shall be deposited in the Used Farm Machinery Exemption Fund which is hereby created. The fund shall be used to offset any loss in tax revenue due to subdivision (1)(s) of section 77-2704. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.'.

14. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 5 students and sponsors from McCool Junction High School; 11 students and teacher from Wilcox High School; members of the Nebraska Women's Commission from across the state; Mr. and Mrs. Nick Lenzen and children from Milford; 28 ninth grade students and teachers from Mann Junior High School, Omaha; Chanelle Mathews from Lincoln; 24 fourth grade students and teacher from Benson West, Omaha; George and Dorothy Hammond from O'Neill and Mrs. George Watters from Lincoln; and Nancy Kratky, Dennis Barr, Clyde Lincoln, and Dianne Sedlacek.

RECESS

At 12:02 p.m., on a motion by Mr. L. Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mr. Rogers who were excused; and Messrs. Baack, Chizek, Dierks, Hannibal, L. Johnson, Korshoj, Lynch, Miller, Moore, Peterson, Warner, Wehrbein, Mesdames Higgins, Johanns, and Ms. Scofield who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mrs. Nelson asked unanimous consent to print the following amendment to LB 890 in the Journal. No objections. So ordered.

AM2240

(Amendments to Standing Committee amendments, AM1862)

1. On page 1, line 4, strike "(1) The" and insert "A representative from the"; in line 5 after the last comma insert "the independent colleges and universities,"; strike beginning with the second "and" in line 9 through "1" in line 10 and insert ". By September 30"; strike beginning with "format" in line 11 through "evaluating" in line 12 and insert "preliminary plan for"; and strike beginning with the second comma in line 13 through line 21 and insert ": (1) The identification of current and future nursing education needs; (2) the identification of necessary procedures to better coordinate existing nursing programs and to coordinate new programs with existing programs; (3) the development of uniform procedures and formats for documenting program need, cost, impact on other programs, and availability of appropriate clinical experiences; and (4) the development of policies and procedures to promote maximum educational mobility and transfer of course credit between different levels of nursing education and licensure. All new and existing nursing programs shall provide documentation concerning current and projected program need, cost, impact on other programs, availability of appropriate clinical experiences, and any other data required by the plan for nursing education. Documentation for existing programs shall be completed by December 31, 1989, or by the program review date established with the Nebraska Coordinating Commission for Postsecondary Education, whichever is later. Documentation shall be submitted to the appropriate institutional governing board and the Nebraska Coordinating Commission for Postsecondary Education, and integrated into the preliminary plan for nursing education. Documentation for new programs shall be completed and submitted to the appropriate institutional governing board and the Nebraska Coordinating Commission for Postsecondary Education

before programs may be initiated. All documentation shall be made available to the public on request.

The joint advisory committee shall update the plan for nursing education as needed, but not less often than biennially. Existing programs shall redocument program need every five years, beginning on December 31, 1989.".

2. Strike page 2.

3. Strike page 3.

4. Strike page 4.

5. Renumber the remaining section accordingly.

Mr. Haberman asked unanimous consent to print the following amendment to LB 457 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2248.)

GENERAL FILE

LEGISLATIVE BILL 939. Title read. Considered.

Standing Committee amendment, AM1697, found in the Journal on page 390 for the Ninth Day was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 present and not voting.

The Chair declared the call raised.

Messrs. Withem, V. Johnson, McFarland, and Mrs. Nelson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 953. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1010. Title read. Considered.

Mr. Wesely renewed his pending amendment, AM2073, found in the Journal on page 893.

The Wesely amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Messrs. Wehrbein and Weihing asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 672. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 821. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 961. Title read. Considered.

Standing Committee amendments, AM1757, found in the Journal on page 531 for the Fourteenth Day were adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 884. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1051. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1045. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1046. Title read. Considered.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 834. 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 842. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1064. 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 933. Title read. Considered.

Mr. Remmers renewed his pending amendment, AM1830, found in the Journal on page 1082.

The Remmers 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 984. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 819. Title read. Considered.

Standing Committee amendments, AM1790, found in the Journal on page 586 for the Sixteenth Day were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 863. 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.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 863A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1033. Title read. Considered.

Mr. Hall moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Messrs. Miller and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1008. Title read. Considered.

Mrs. Morehead 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, 0 nays, 9 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1008A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 978. Title read. Considered.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 958. Title read. Considered.

SPEAKER BARRETT PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 1013. Title read. Considered.

Standing Committee amendments, AM1823, found in the Journal on page 625 for the Seventeenth Day were adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 1013A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 1054. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 1157. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1034. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1146. Title read. Considered.

MRS. LABEDZ PRESIDING

Standing Committee amendments, AM1834, found in the Journal on page 653 for the Nineteenth Day were adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1169. 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.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1170. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 165. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1077. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 970. Title read. Considered.

Standing Committee amendment, AM1828, found in the Journal on page 660 for the Nineteenth Day was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1073. Title read. Considered.

Standing Committee amendments, AM1846, found in the Journal on page 660 for the Nineteenth Day were adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 1093. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 1114. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 948. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1078. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1136. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 969. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 301. Introduced by R. Johnson, 34th District.

WHEREAS, the Clay Center High School wrestling team won the Class D state wrestling title for 1988; and

WHEREAS, the Clay Center High School wrestling team has won the championship for two consecutive years; and

WHEREAS, the achievements of the team and coach are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their congratulations to the Clay Center High school wrestling team.

2. That a copy of this resolution be sent to the principal of the Clay Center High School.

Laid over.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 1234. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2286.)

(Signed) Vard R. Johnson, Chairperson

Agriculture

LEGISLATIVE BILL 155. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1780.)

(Signed) Rod Johnson, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 838A. Placed on Select File.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 384 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2273.)

GENERAL FILE

LEGISLATIVE BILL 826. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 912. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1130. Title read. Considered.

Standing Committee amendments, AM2010, found in the Journal on page 828 for the Twenty-Sixth Day were adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1220. Title read. Considered.

Standing Committee amendments, AM1992, found in the Journal on page 833 for the Twenty-Sixth Day were adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 977. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 1174. Title read. Considered.

Messrs. Ashford and Remmers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 973. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1103. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 8 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1103A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 1142. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

MOTION - Suspend Rules

Mr. Chambers moved to suspend Rule 6 Section 3 to vote on the advancement of 1193, 1197, 1038, 1106, 1159, 897, 903, 901, 909, 929, and 1126.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his pending motion to suspend the rules.

GENERAL FILE

LEGISLATIVE BILL 1193. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 1197. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 1038. Title read. Considered.

Standing Committee amendment, AM2061, found in the Journal on page 894 for the Twenty-Eighth Day was adopted with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 856 in the Journal. No objections. So ordered.

AM2213

1. On page 4, reinstate the stricken matter beginning with "any" in line 2 through "company" in line 3; in line 3 after the reinstated "company" insert "licensed"; reinstate the stricken matter beginning with "to" in line 3 through "Nebraska" in line 4; in lines 4 through 7 strike the new matter and insert "or any policy of insurance issued in accordance with the requirements for a lawful surplus lines insurance transaction".

Mr. Coordsen asked unanimous consent to print the following amendment to LB 958 in the Journal. No objections. So ordered.

AM2307

1. On page 2, line 14, strike the underscored comma and reinstate the stricken "or"; in line 18, after "purposes" insert an underscored period; and strike beginning with the comma in line 18 through the period in line 19 and show the old matter as stricken.

MOTION - Adjournment

Mr. Landis moved to adjourn. The motion lost with 2 ayes, 17 nays, 16 present and not voting, and 14 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1106. Title read. Considered.

Mrs. Langford and Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1159. Title read. Considered.

Mr. Dierks moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 897. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 6 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 903. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 901. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 909. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 929. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 4 present and not voting, and 16 excused and not voting.

MOTION - Adjournment

Mr. Schellpeper moved to adjourn. The motion lost with 1 aye, 27 nays, 5 present and not voting, and 16 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1126. Title read. Considered.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 817. Title read. Considered.

Standing Committee amendments, AM1850, found in the Journal on page 740 for the Twenty-Third Day were adopted with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

VISITORS

Visitors to the Chamber were 29 fourth grade students and teacher from Ralston; and 90 teachers from across the state.

ADJOURNMENT

At 5:57 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Wednesday, March 2, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 2, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 2, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Geoffry Duncomb, First Assembly of God Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, L. Johnson, and Lynch who were excused; and Messrs. Abboud, Chambers, Haberman, Hall, V. Johnson, Moore, and Mrs. Johanns who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Sixth Day was approved.

MESSAGES FROM THE GOVERNOR

March 1, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 190, 383, 383A, 520, 602, 606 and 828 were received in my office on February 25, 1988.

These bills were signed by me on March 1, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

March 1, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 475, 845, and 871 were received in my office on February 26, 1988.

These bills were signed by me on March 1, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

March 1, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 854, 854A, 857, 872, 874, 893, 930, 957, 975, 993, 994 and 995 were received in my office on February 29, 1988.

These bills were signed by me on March 1, 1988, and delivered to the Secretary of State.

Sincerely,

(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 1092. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 833. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 821. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 298, LR 299, and LR 300.

RESOLUTIONS

LEGISLATIVE RESOLUTION 296. Read. Considered.

LR 296 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 297. Read. Considered.

Mr. Withem asked unanimous consent to have his name added as co-introducer to LR 297. No objections. So ordered.

LR 297 was adopted with 23 ayes, 0 nays, and 26 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 1073 in the Journal. No objections. So ordered.

AM2163

1. On page 2, lines 4 and 20, after "board" insert "or educational service unit board"; in lines 9 and 19 after "school" insert "or educational service unit"; and in lines 12 and 25 after "district" insert "or educational service unit".

2. On page 3, lines 2, 11, and 14, after "district" insert "or educational service unit"; in line 5 after "district" insert "or not to exceed one-tenth of one cent per hundred dollars of taxable valuation on the taxable property of an educational service unit"; and in line 7 after "board" insert "or educational service unit board".

3. On page 4, lines 2 and 6, after "board" insert "or educational service unit board"; in line 22 after "school" insert "or educational service unit"; and in line 23 after "board's" insert "or educational service unit board's".

4. In the Standing Committee amendments, AM1846, on page 1, line 20, after "schools" insert "and educational service units".

RESOLUTION

LEGISLATIVE RESOLUTION 266. Read. Considered.

Mr. Schmit offered the following amendment:
AM2283

1. In LR 266, beginning on page 418 of the Journal, in the first resolved, line 1, strike "implementation" and insert "the financing"; and in line 3 strike "and approves the financing of such project".

Mr. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Higgins asked unanimous consent to have her name withdrawn as co-introducer to LR 266. No objections. So ordered.

Mrs. Marsh and Mr. Goodrich asked unanimous consent to have their names added as co-introducers to LR 266. No objections. So ordered.

Mr. Schellpeper 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. Pirsch requested a record vote on the Schmit amendment.

Voting in the affirmative, 15:

Abboud	Elmer	Korshoj	Morehead	Remmers
Chambers	Higgins	Lamb	Nelson	Schmit
Coordsen	Johnson, R.	Langford	Pirsch	Wesely

Voting in the negative, 18:

Baack	Conway	Hall	Landis	Wehrbein
Beyer	Dierks	Hannibal	Marsh	Weihing
Campbell	Goodrich	Hefner	Schellpeper	Withem
Chizek	Haberman	Labedz		

Present and not voting, 10:

Ashford	Bernard-Stevens	McFarland	Moore	Scofield
Barrett		Miller	Rogers	Smith
				Warner

Excused and not voting, 6:

Hartnett	Johnson, L.	Johnson, V.	Lynch	Peterson
Johanns				

The Schmit amendment lost with 15 ayes, 18 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved to indefinitely postpone LR 266.

Mrs. Higgins withdrew her pending motion to indefinitely postpone.

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.

LR 266 was adopted with 30 ayes, 3 nays, and 16 not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 926. Placed on General File as amended.

Standing Committee amendment to LB 926:
AM2281

1. Strike original section 1 and insert the following new section:

"Section 1. That section 79-4,154, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,154. The governing board of any public school district may enter into a lease or lease-purchase agreement for the exclusive use of its individual jurisdiction for such buildings or equipment as the governing board determines necessary. Such lease or lease-purchase agreements may not exceed a period of seven years. All payments pursuant to such leases shall be made from current building funds or general funds. No school district shall directly or indirectly issue bonds to fund any such lease-purchase plan for a capital construction project ~~exceeding twenty-five thousand dollars in costs~~ if such bond issuance will cause the total principal bonded indebtedness for all lease-purchase agreements of the district to exceed one-half of one percent of the total taxable valuation of such district, unless it first obtains a favorable vote of the electorate pursuant to Chapter 10, article 7. Any nonprofit corporation undertaking any capital construction project pursuant to any lease-purchase agreement authorized by this section shall be subject to sections 73-101 to 73-106 relating to public lettings.".

(Signed) Ron Withem, Chairperson

Business and Labor

LEGISLATIVE BILL 1235. Placed on General File as amended.
Standing Committee amendments to LB 1235:
AM2280

1. On page 2, after line 9, insert:
"Claim No. 007, against the State Treasurer, pay to Kenneth Haggard, 4025 Inverness Drive, Reno, Nevada, 89502, out of the General Fund 16.67";
and after line 14 insert:
"Claim No. 009, against the Department of Revenue, pay to Douglas J. Hinman, Box

54A - HC 73, Hemingford, Nebraska, 69348, out of the General Fund 28.00
Claim No. 010, against the Department of Revenue, pay to Dwight and Maurine Gard, 4824 Farnam Street, Omaha, Nebraska, 68132, out of the General Fund 244.00
Claim No. 021, against the Department of Revenue, pay to Michael Moran, 3025 Nicholas, Omaha, Nebraska, 68131, out of the General Fund 57.35
Claim No. 030, against the Department of Revenue, pay to Eldon and Judith Johansen, 12461 N. 73rd Avenue, Peoria, Arizona, 85345, out of the General Fund 352.00".

2. On page 3, after line 9, insert: "Claim No. 179, against the Department of Public Institutions, pay to Joseph J. Soukup, c/o Joseph Soukup Trust Fund, out of the General Fund 100,000.00".

3. On page 4, line 5, strike "1615" and insert "1625"; in line 24 strike "26,564.31" and insert "23,907.88"; and strike line 25 and insert: "Claim No. 027 is approved in the amount of $23,907.88 to settle claims between the State of Nebraska or its agencies and the claimant, but not to settle the $2,656.43 judgment against any state employees in their individual capacity.".

4. On page 5, strike lines 1 through 4.

5. On page 6, line 17, strike "$244,876.54" and insert "$342,214.13"; and in line 18 strike "$180,003.38" and insert "$279,997.40" and strike "$64,812.02" and insert "$62,155.59".

6. On page 8, line 12, strike "180,003.38" and insert "279,997.40"; in line 13 strike "65,782.20" and insert "63,125.77"; and in line 15 strike "245,846.72" and insert "343,184.31".

LEGISLATIVE BILL 1099. Indefinitely postponed.
LEGISLATIVE BILL 1119. Indefinitely postponed.
LEGISLATIVE BILL 1212. Indefinitely postponed.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 181 in the Journal. No objections. So ordered.

1. Strike the original sections and insert the following new sections:

"Section 1. That at the general election in November 1988 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:

CIII-24 'The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise ~~where~~ when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance of admission ticket~~;~~ or requires an expenditure of substantial effort or time, except ~~; 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. Nothing in this section shall be construed to prohibit the enactment of laws providing for (1) 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, (2) the licensing and regulation of wagering on the results of sporting events, or ~~to prohibit the enactment of laws providing for~~ (3) 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, except that ~~;~~ ~~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:
'A constitutional amendment to authorize the Legislature to enact laws licensing and regulating wagering on sporting events.
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.".

Mr. Baack asked unanimous consent to print the following amendment to LB 897 in the Journal. No objections. So ordered.

AM2091
1. On page 2, line 4, after "or" insert "Class II".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1026A. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1026, Ninetieth Legislature, Second Session, 1988.

LEGISLATIVE BILL 1105A. Introduced by Miller, 37th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1105, Ninetieth Legislature, Second Session, 1988.

GENERAL FILE

LEGISLATIVE BILL 987. Title read. Considered.

Standing Committee amendment, AM1764, found in the Journal on page 554 for the Fifteenth Day was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Elmer offered the following amendment:

On page 6, beginning on line 19, following costs., insert the following language:

Upon extension of money intended to supply funds for agricultural input goods or services, the security interest holder shall notify all suppliers of agricultural input items, which shall be designated on the security interest by the debtor. Such notification shall contain a designation of funds to be extended for such items, and such suuliers of agricultural input items shall submit, in writing, to the security interest holder, their intent to extend goods or services within ten days of such notice. Payment shall then be forwarded to such suppliers within five days of providing such goods or services.

Mr. Elmer withdrew his pending amendment.

Mr. Conway offered the following amendment:

AM2322

1. On page 6, strike beginning with the first comma in line 17 through line 19 and insert ". The court shall assess attorney's fees and costs if, upon the motion of any party or the court itself, the court finds that any payee, endorser, or endorsee on a check or other instrument wrongfully refused to endorse such check or instrument in payment for property subject to a lien or security interest or that an attorney or party brought or defended an action or any part of an action that was frivolous or that the action or any part of the action was interposed solely for delay or harassment. If the court finds that an attorney or party unnecessarily expanded the proceedings by other improper conduct, including, but not limited to, abuses of civil discovery procedures, the court shall assess attorney's fees and costs.".

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Conway amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 987A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 934. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 657. E & R amendments, AM5345, found in the Journal on page 1040 for the Thirty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 664. E & R amendment, AM5342, found in the Journal on page 1040 for the Thirty-Fourth Day was adopted.

Mr. Lamb requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 664A. E & R amendments, AM5343, found in the Journal on page 1041 for the Thirty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 836. E & R amendments, AM5344, found in the Journal on page 1041 for the Thirty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 836A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 823. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1105. E & R amendment, AM5347, found in the Journal on page 1057 for the Thirty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 588. E & R amendments, AM5349, found in the Journal on page 1078 for the Thirty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 980A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 963A. E & R amendment, AM5350, found in the Journal on page 1078 for the Thirty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1203. Placed on General File as amended.
Standing Committee amendments to LB 1203:
AM2298

1. On page 2, line 6, strike "or any like form of".

2. On page 2, lines 8 to 9 and lines 14 to 15; page 3, line 2; page 5, line 25; and page 6, line 18, strike "qualified electors" and insert "registered voters".

3. On page 4, line 10; and page 6, line 13, strike "electors" and insert "registered voters".

4. On page 7, line 15, after "(8)" insert "subject to sections 1 to 5 of this act,"; in line 16 strike "or" and insert an underscored comma; and strike beginning with "when" in line 17 through "sections" in line 20.

5. On page 9, line 22, strike "clerk or county clerks" and insert "board or county boards".

6. On page 10, line 3, strike "eligible", show as stricken, and insert "registered".

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 1097 in the Journal. No objections. So ordered.

AM2269

(Amendments to Standing Committee amendments, AM2059)

1. On page 1, line 10, after "vehicle" insert "and the applicant has paid the fee prescribed in section 60-409"; in line 11 after the quotation marks insert "; and in line 13 after the first 'license' insert ', except that for purposes of payment of the fee required in this section, the provisions in section 60-409 relating to the reduction of such fee shall not apply';"; and in line 12 strike "sections" and insert "section".

2. Strike section 5.

Mr. Withem asked unanimous consent to print the following amendment to LB 1100 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2258.)

Mr. Schmit asked unanimous consent to print the following amendment to LB 949 in the Journal. No objections. So ordered.

AM2139

(Amendments to Standing Committee amendments)

1. On page 1, line 1, strike "8, 21, 25, and 29" and insert "4, 5, 8, 16, and 21".

2. Strike amendments 6 and 7 and insert the following new amendments:

"6. On page 18, line 25, strike the new matter.

7. On page 19, lines 2 through 7, strike the new matter and reinstate the stricken matter.

8. On page 35, lines 2 through 6, strike the new matter and reinstate the stricken matter; in line 6 after the reinstated semicolon insert 'and'; reinstate beginning with '(4)' in line 7 through '53-138.02' in line 8; and after the reinstated '53-138.02' insert an underscored period.

9. On page 40, lines 21 and 22, reinstate the

stricken matter.

10. On page 41, strike beginning with 'if' in line 13 through line 16.".

3. On page 10, line 15, strike "20 and 28" and insert "17 and 26"; and in lines 20 and 21 strike "and section 26 of this act" and insert "'(26)' and insert '24'".

4. On page 11, line 15, after the semicolon insert "in lines 16 through 18 reinstate the stricken matter and strike the new matter; in line 19 reinstate 'one' and strike 'two';".

5. On page 13, line 3, strike "53-179," and insert '53-138.02,' and after the semicolon insert "in line 3 strike '53-117.03, 53-117.04,'".

6. Renumber the remaining amendments and sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 302. Introduced by Pirsch, 10th District.

WHEREAS, the Academic Decathlon was created in 1968 to motivate students to strive for academic achievement through competition; and

WHEREAS, the Academic Decathlon has been held in Nebraska for the last five years; and

WHEREAS, the Omaha Central High School team has won the competition again this year, for the fifth consecutive year since Nebraska began participating; and

WHEREAS, the Legislature wishes success to the Omaha Central Academic Decathlon team in the National Competition in Texas April 29-May 2.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends and applauds the efforts of all the students in the twenty schools who participated.

2. That the Legislature congratulates the members of the Omaha Central High School team for their outstanding academic achievement.

3. That the Legislature expresses its gratitude for the support and sponsorship of the University of Nebraska at Omaha and the Nebraska District Optimists Club.

4. That the Legislature commends and applauds the many volunteer tutors and teachers and academic coaches who gave their valuable time to coach these young students.

5. That the Legislature encourages the expansion of this competition of keen minds throughout the entire state in succeeding years.

6. That the Clerk of the Legislature send a copy of this resolution to each of the twenty schools which participated, the University of Nebraska at Omaha, and the Nebraska District Optimists Club.

Laid over.

UNANIMOUS CONSENT - Expedite LB 588

Mr. Barrett asked unanimous consent to expedite LB 588. No objections. So ordered.

VISITORS

Visitors to the Chamber were 36 students and teachers from Clarkson School, Fremont, and 2 students from District 37; Gene Liermann from Amelia; and 29 students and teacher from Newcastle High School.

RECESS

At 12:00 p.m., on a motion by Mr. Bernard-Stevens, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, L. Johnson, and Lynch who were excused; and Messrs. Ashford, Baack, Conway, Haberman, Hall, R. Johnson, V. Johnson, Peterson, Schmit, Wehrbein, Mesdames Johanns, Labedz, and Ms. Scofield who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 160. Placed on Select File as amended.
E & R amendments to LB 160:
AM5353

1. In the Standing Committee amendments, AM1839, adopted March 1, 1988:

a. On page 6, line 21, strike "sections", show as stricken, and insert "section"; and

b. On page 7, line 4, strike "provisions of sections" and insert "provision of section".

2. On page 1, strike lines 2 through 6 and insert "79-1522.01, 79-1522.02, 79-1529, 79-1531, and 79-1533, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to formula annuity retirement allowances; to harmonize provisions; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 939. Placed on Select File.
LEGISLATIVE BILL 953. Placed on Select File.
LEGISLATIVE BILL 1010. Placed on Select File.

LEGISLATIVE BILL 672. Placed on Select File as amended.
E & R amendment to LB 672:
AM5354

1. On page 2, line 7, strike "this act", show as stricken, and insert "the Nebraska Treatment and Corrections Act"; and in lines 19 and 22 strike "this", show as stricken, and insert "the".

Correctly Engrossed

The following bill was correctly engrossed: 588.

(Signed) Scott Moore, Chairperson

REPORT

Received annual report from the Board of Examiners for County Highway and City Street Superintendents in compliance with 39-2301 to 39-2311 Nebraska Revised Statutes (Reissue 1984).

GENERAL FILE

LEGISLATIVE BILL 890. Title read. Considered.

Standing Committee amendments, AM1862, found in the Journal on page 665 for the Nineteenth Day lost with 1 aye, 17 nays, 17 present and not voting, and 14 excused and not voting.

Mrs. Nelson withdrew her pending amendment, AM2240, found in the Journal on page 1102.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 940. Title read. Considered.

Standing Committee amendments, AM1851, printed separate from the Journal and referred to on page 667 for the Nineteenth Day were considered.

Mr. Withem renewed his pending amendment, AM2185, found in the Journal on page 1014 to the Standing Committee amendments.

The Withem amendment was adopted with 16 ayes, 2 nays, 19 present and not voting, and 12 excused and not voting.

Mr. Withem renewed his pending amendment, AM2186, found in the Journal on page 1017 to the Standing Committee amendments.

The Withem amendment was adopted with 17 ayes, 1 nay, 19 present and not voting, and 12 excused and not voting.

Mr. Dierks offered the following amendment to the Standing Committee amendments:
AM2323
(Amendments to Standing Committee amendments, AM1851)
1. On page 3, line 13, strike "two or more" and insert "one"; and in line 14 strike "districts" and insert "district".

Mrs. Marsh moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 16 nays, and 12 not voting.

The Chair declared the call raised.

Messrs. Abboud and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

The Dierks amendment lost with 12 ayes, 18 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Lamb offered the following amendment to the Standing Committee amendments:
AM2225

(Amendments to Standing Committee amendments)

1. Strike original sections 8 and 9.

2. Renumber the remaining section accordingly.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

AM2312

1. On page 3, line 12, after "All" insert "professional, nonclerical"; and in line 13 after "include" insert "any".

BILL ON FIRST READING

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

LEGISLATIVE BILL 911A. Introduced by Elmer, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 911, Ninetieth Legislature, Second Session, 1988.

GENERAL FILE

LEGISLATIVE BILL 940. The pending Lamb amendment, AM2225, found in this day's Journal was renewed.

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, 13:

Coordsen	Hefner	Labedz	Rogers	Schmit
Dierks	Johnson, R.	Lamb	Schellpeper	Smith
Haberman	Korshoj	Langford		

Voting in the negative, 25:

Ashford	Chizek	Johnson, V.	Moore	Warner
Baack	Conway	Landis	Morehead	Wehrbein
Bernard-Stevens	Goodrich	Marsh	Nelson	Weihing
	Hall	McFarland	Pirsch	Wesely
Beyer	Hannibal	Miller	Remmers	Withem
Campbell				

Present and not voting, 4:

Barrett	Elmer	Higgins	Scofield

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Abboud	Johanns	Johnson, L.	Lynch	Peterson
Hartnett				

The Lamb amendment lost with 13 ayes, 25 nays, 4 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

Mrs. Smith offered the following amendment to the Standing Committee amendments:

to amend AM1851 P. 12. Sec. 8, line 23 to strike "1990" and insert "1991"

The Smith amendment was adopted with 15 ayes, 3 nays, 24 present and not voting, and 7 excused and not voting.

The Standing Committee amendments, as amended, 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, 6 nays, 8 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 940A. 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.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1089. Title read. Considered.

Mr. Schellpeper and Mr. R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendments, AM1878, found in the Journal on page 675 for the Twentieth Day were considered.

Mr. Hannibal offered the following amendment to the Standing Committee amendments:
AM2196

(Amendments to Standing Committee amendments)

1. Insert the following new amendment:

"3. On page 14, line 25, strike '$500.00' and insert '$250.00'.".

2. Renumber remaining amendments accordingly.

The Hannibal amendment was adopted with 14 ayes, 2 nays, 23 present and not voting, and 10 excused and not voting.

Mr. Conway asked unanimous consent to be excused. No objections. So ordered.

Mrs. Morehead moved for a call of the house. The motion prevailed with 4 ayes, 1 nay, and 44 not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 4 nays, 8 present and not voting, and 12 excused and not voting.

ANNOUNCEMENT

Mr. Warner announced the Committee on Appropriations will meet in executive session at 8:30 a.m., Thursday, March 3, 1988, in Room 1003.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 672 in the Journal. No objections. So ordered.

AM2304

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 83-1,111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,111. (1) Every committed offender shall be interviewed and have his or her record reviewed by two or more members of the Board of Parole or a person designated by the board within sixty days before the expiration of his or her minimum term less any reductions. ~~If, in the opinion of the reviewers, the review indicates the offender is reasonably likely to be granted parole, the Board of Parole shall schedule a public hearing before a majority of its members.~~

Every committed offender shall have a public hearing before a majority of the members of the Board of Parole upon eligibility. At such public hearing the

offender may present evidence, call witnesses, and be represented by counsel or any person whose assistance he or she desires and who agrees to represent the offender. ~~If, in the opinion of the reviewers, the review indicates the offender should be denied parole, the offender may request an additional review by a majority of the members of the board. A~~

If parole is denied after such public hearing, a review by the majority of the members of the board may be conducted not more than once annually. If, in the opinion of the reviewers, the review indicates the offender is reasonably likely to be granted parole, the Board of Parole shall schedule a public hearing before a majority of its members.

Any hearing and review shall be conducted in an informal manner, but a complete record of the proceedings shall be made and preserved.

(2) The board shall render its decision regarding the committed offender's release on parole within a reasonable time after the hearing or review. The decision shall be by majority vote of the board. The decision shall be based on the entire record before the board, which shall include the opinion of the person who conducted the review. If the board ~~shall deny~~ denies parole, written notification listing the reasons for such denial and the recommendations for correcting deficiencies which cause the denial shall be given to the committed offender within thirty days following the hearing.

(3) If the board fixes the release date, such date shall be not more than six months from the date of the committed offender's parole hearing~~,~~ or from the date of last reconsideration of his or her case, unless there are special reasons for fixing a later release date.

(4) If the board defers the case for later reconsideration, the committed offender shall be afforded a parole hearing at least once a year until a release date is fixed. The board may order a reconsideration or a rehearing of the case at any time.

(5) The release of a committed offender on parole shall not be upon the application of the offender~~,~~ but by the initiative of the Board of Parole. No application for release on parole made by a committed

offender or on his or her behalf shall be entertained by the board. Nothing herein shall prohibit the Director of Correctional Services from recommending to the board that it consider an individual offender for release on parole.

Sec. 3. That section 83-1,114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,114. (1) Whenever the Board of Parole considers the release of a committed offender who is eligible for release on parole, it shall order his or her release unless it is of the opinion that his or her release should be deferred because:

(a) There is a substantial risk that he or she will not conform to the conditions of parole;

(b) His or her release would depreciate the seriousness of his or her crime or promote disrespect for law;

(c) His or her release would have a substantially adverse effect on institutional discipline; or

(d) His or her continued correctional treatment, medical care, or vocational or other training in the facility will substantially enhance his or her capacity to lead a law-abiding life when released at a later date.

(2) In making its determination regarding a committed offender's release on parole, the Board of Parole shall take into account each of the following factors:

(a) The offender's personality, including his or her maturity, stability, and sense of responsibility and any apparent development in his or her personality which may promote or hinder his or her conformity to law;

(b) The adequacy of the offender's parole plan;

(c) The offender's ability and readiness to assume obligations and undertake responsibilities;

(d) The offender's intelligence and training;

(e) The offender's family status and whether he or she has relatives who display an interest in him or her or whether he or she has other close and constructive associations in the community;

(f) The offender's employment history, his or her occupational skills, and the stability of his or her past employment;

(g) The type of residence, neighborhood, or community in which the offender plans to live;

(h) The offender's past use of narcotics, or past habitual and excessive use of alcohol;

(i) The offender's mental or physical makeup, including any disability or handicap which may affect his or her conformity to law;

(j) The offender's prior criminal record, including the nature and circumstances, recency, and frequency of previous offenses;

(k) The offender's attitude toward law and authority;

(l) The offender's conduct in the facility, including particularly whether he or she has taken advantage of the opportunities for self-improvement; ~~whether he has been punished for misconduct within six months prior to his hearing or reconsideration for parole release, whether any reductions of term have been forfeited, and whether such reductions have been restored at the time of hearing or reconsideration;~~

(m) The offender's behavior and attitude during any previous experience of probation or parole and the recency of such experience; and

(n) Any other factors the board determines to be relevant.

Sec. 4. That section 83-1,115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,115. Before making a determination regarding a committed offender's release on parole, the Board of Parole shall consider the following:

(1) A report prepared by the institutional caseworkers relating to his or her personality, social history, and adjustment to authority, ~~and~~ including any recommendations which the staff of the facility may make;

(2) All official reports of his or her prior criminal record, including reports and records of earlier probation and parole experiences;

(3) The presentence investigation report;

(4) Recommendations regarding his or her

parole made at the time of sentencing by the sentencing judge;

(5) The reports of any physical, mental, and psychiatric examinations of the offender;

(6) Any relevant information which may be submitted by the offender, his or her attorney or any other person representing the offender as authorized by section 83-1,111, the victim of his or her crime, or by other persons; and

(7) Such other relevant information concerning the offender as may be reasonably available.".

2. On page 3, line 3, strike "(1)" and show as stricken; in line 11 after "counsel" insert "or any other person representing the offender as authorized by section 83-1,111"; strike lines 13 through 20 and show the old matter as stricken; in line 21 strike "83-1,110 and" and insert "83-1,111,"; and in line 22 before "Reissue" insert "83-1,114, and 83-1,115,".

3. Renumber the remaining sections accordingly.

Ms. Scofield asked unanimous consent to print the following amendment to LB 940 in the Journal. No objections. So ordered.

amend the Committee amendments (AM1851) to LB 940 as follows:

1. Page 3, line 14, following "districts" insert "except that if a reorganization petition for formation of a Class VI district is initiated by a petition signed by sixty-five percent of the legal voters of a Class II or III district, then such Class VI district may include only one Class II or III district."

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 821. Placed on Select File.

LEGISLATIVE BILL 961. Placed on Select File as amended.
E & R amendments to LB 961:
AM5355

1. On page 1, line 6, strike "contracting for" and insert "acquisition of".

2. On page 2, strike beginning with the comma in line 13 through the comma in line 14 and show as

5 stricken.

LEGISLATIVE BILL 884. Placed on Select File.
LEGISLATIVE BILL 1051. Placed on Select File.

(Signed) Scott Moore, Chairperson

VISITORS

Visitors to the Chamber were Carl Shumaker from Columbus; and Matt and Zeke Lowery from Burwell.

ADJOURNMENT

At 4:05 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Thursday, March 3, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 3, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 3, 1988

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Jimmy Shelbourn, First Presbyterian Church, Beatrice, Nebraska.

PRESENTATION OF COLORS

Presentation of Colors by the Kearney Camp Fire Group.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett and Lynch who were excused; and Messrs. Bernard-Stevens, Dierks, Hannibal, L. Johnson, McFarland, Moore, Warner, Wehrbein, Mesdames Johanns, Langford, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Seventh Day was approved.

SPEAKER'S ANNOUNCEMENT

Speaker Barrett announced a meeting of the Legislature's Committee Chairpersons will be held on Monday, March 7, 1988 at 8:30 a.m. in Room 2102.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 724. Indefinitely postponed.
LEGISLATIVE BILL 733. Indefinitely postponed.
LEGISLATIVE BILL 1131. Indefinitely postponed.

(Signed) Patricia S. Morehead, Chairperson

REPORT

Received copy of the Greater Lincoln Service Delivery Area's proposed Job Training Plan from the Private Industry Council.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LR 265 in the Journal. No objections. So ordered.

AM2199

1. On page 1, lines 2 and 10, after "2" insert ", 3,"; strike beginning with the second "and" in line 2 through the second comma in line 4; and strike beginning with the second "and" in line 10 through the second comma in line 11.

2. On page 2, after line 1, insert the following:

"CVII-3 'The State Board of Education shall be composed of eight members, who shall be ~~elected~~ appointed by the Governor, subject to approval of the Legislature, from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession. ~~and they shall be elected on a nonpartisan ballot.~~'."; strike lines 13 and 14; and in line 24 strike "and to eliminate" and insert "to provide for the appointment of the State Board of Education, and to change the powers of".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 266, LR 297, and LR 296.

RESOLUTIONS

LEGISLATIVE RESOLUTION 301. Read. Considered.

LR 301 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 302. Read. Considered.

Mr. Ashford and Mrs. Higgins asked unanimous consent to have their names added as co-introducers to LR 302. No objections. So ordered.

LR 302 was adopted with 21 ayes, 0 nays, and 28 not voting.

MOTION - Return LB 375 to Select File

Mr. Schmit moved to return LB 375 to Select File for the following specific amendment:
AM2166

(Amendments to Final Reading copy)

1. On page 18, line 24, strike "fourteen" and insert "twelve".

The Schmit motion to return prevailed with 26 ayes, 14 nays, 2 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 375. The Schmit specific amendment, AM2166, found in this day's Journal was adopted with 29 ayes, 3 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Hefner requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Conway	Hannibal	McFarland	Smith
Ashford	Elmer	Higgins	Morehead	Warner
Baack	Goodrich	Johnson, V.	Nelson	Weihing
Campbell	Haberman	Labedz	Pirsch	Wesely
Chambers	Hall	Marsh	Schmit	Withem
Chizek				

Voting in the negative, 16:

Barrett	Johnson, R.	Landis	Peterson	Schellpeper
Beyer	Korshoj	Langford	Remmers	Scofield
Coordsen	Lamb	Moore	Rogers	Wehrbein
Hefner				

Present and not voting, 1:

Miller

Excused and not voting, 6:

Bernard-Stevens	Dierks	Johanns	Johnson, L.	Lynch
	Hartnett			

Advanced to E & R for Re-Engrossment with 26 ayes, 16 nays, 1 present and not voting, and 6 excused and not voting.

WITHDRAW - Amendment to LB 375

Mr. Wesely withdrew his pending amendment, AM2193, found in the Journal on page 997 to LB 375.

MOTION - Return LB 375 to Select File

Mr. Wesely moved to return LB 375 to Select File for the following specific amendment:

(Amendments to Final Reading copy)

1. On page 1, line 10, after the semicolon insert "to require the filing of certain information by bank holding companies as prescribed; to provide for the rating of bank holding companies as prescribed;".

2. Insert the following new section:

"Sec. 10. (1) The Director of Banking and Finance shall by rule and regulation require the filing of information which describes the proposed community

investment policies of any bank holding company or subsidiary thereof wishing to acquire a Nebraska bank, including descriptions of the proposed service area of such bank holding company or subsidiary thereof, the credit needs of the proposed service area, and the proposed method of meeting such credit needs of such service area.

(2) The Director of Banking and Finance shall by rule and regulation require each bank holding company or subsidiary thereof to file an annual report which describes the manner in which the community investment needs of the community served by the bank holding company or its subsidiary have been met.

(3) The Director of Banking and Finance shall by rule and regulation develop a rating system for bank holding companies or subsidiaries thereof. The rating system shall measure the performance of each bank holding company or its subsidiary in meeting the community investment needs of the community it serves and shall set minimum standards for meeting such needs.

(4) On or after January 1, 1991, a bank holding company or its subsidiary which fails to meet minimum community-investment standards set by the director shall not be eligible for deposit of public funds authorized by section 72-1263.".

3. On page 12, line 21, strike "and 9" and insert "to 10".

4. Renumber the remaining sections accordingly.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wesely motion to return prevailed with 28 ayes, 4 nays, 11 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 375. The Wesely specific amendment found in this day's Journal was adopted with 25 ayes, 9 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 316.

A BILL FOR AN ACT relating to schools; to amend sections 28-1413 and 79-4,180, Reissue Revised Statutes of Nebraska, 1943; to prohibit corporal punishment in public schools; to eliminate a justification for the use of force; to change provisions relating to student discipline; to define a term; and to repeal the original sections.

Whereupon the 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	Conway	Johnson, R.	Miller	Schmit
Ashford	Coordsen	Johnson, V.	Moore	Scofield
Baack	Elmer	Labedz	Morehead	Smith
Barrett	Goodrich	Lamb	Nelson	Warner
Bernard-Stevens	Haberman	Landis	Pirsch	Wehrbein
	Hall	Langford	Remmers	Weihing
Beyer	Hannibal	Marsh	Rogers	Wesely
Chambers	Hefner	McFarland	Schellpeper	Withem
Chizek	Higgins			

Voting in the negative, 0.

Present and not voting, 2:

Campbell Korshoj

Excused and not voting, 6:

Dierks	Johanns	Johnson, L.	Lynch	Peterson
Hartnett				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 518. Considered.

Mr. V. Johnson offered the following amendment:
1. On page 4, line 21, strike "1988" and insert "1989".

The V. Johnson amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Hefner moved to indefinitely postpone LB 518.

Laid over.

LEGISLATIVE BILL 1165. Title read. Considered.

Standing Committee amendment, AM1922, found in the Journal on page 731 for the Twenty-Second Day was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 7 ayes, 1 nay, and 41 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Withem and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 384. Mr. Wesely withdrew his pending amendment, AM2273, printed separate from the Journal and referred to on page 1111.

Mr. Wesely offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2313.)

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 316.

SELECT FILE

LEGISLATIVE BILL 384. The pending Wesely amendment, AM2313, was renewed.

SPEAKER BARRETT PRESIDING

The pending Wesely amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Schmit offered the following amendment:
AM2335

1. Insert the following new section:

"Section 1. That section 71-2609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2609. The Director of Health shall (1) be a graduate of a recognized ~~school of medicine, (2) be licensed to practice his or her profession in the State of Nebraska, and (3)~~ college or university and (2) have some special training in public health work.".

2. On page 2, line 6, strike "section" and insert "sections 71-2609 and"; and in line 7 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Wesely requested a ruling of the Chair on whether the Schmit amendment is germane to the bill.

The Chair ruled the Schmit amendment is not germane to the bill.

Mr. Schmit challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Schmit moved for a call of the house. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. Schmit requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 24:

Abboud	Chambers	Goodrich	Lamb	Remmers
Ashford	Chizek	Hannibal	Langford	Rogers
Baack	Conway	Higgins	Miller	Schmit
Beyer	Coordsen	Johnson, R.	Moore	Weihing
Campbell	Elmer	Labedz	Pirsch	

Voting in the negative, 13:

Bernard-Stevens	Hefner	Landis	Morehead	Wehrbein
Hall	Johnson, V.	Marsh	Smith	Wesely
	Korshoj	McFarland	Warner	

Present and not voting, 5:

Barrett	Nelson	Schellpeper	Scofield	Withem

Excused and not voting, 7:

Dierks	Hartnett	Johnson, L.	Lynch	Peterson
Haberman	Johanns			

The Schmit motion to overrule the Chair prevailed with 24 ayes, 13 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Miller 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 25 ayes, 0 nays, and 24 not voting.

Mr. Schmit moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Baack	Coordsen	Higgins	Lamb	Remmers
Beyer	Elmer	Johnson, L.	Langford	Rogers
Campbell	Goodrich	Johnson, R.	Moore	Schmit
Chizek	Hefner	Labedz	Pirsch	Weihing
Conway				

Voting in the negative, 23:

Abboud	Chambers	Korshoj	Nelson	Warner
Ashford	Dierks	Landis	Peterson	Wehrbein
Barrett	Hall	Marsh	Schellpeper	Wesely
Bernard-Stevens	Hannibal	McFarland	Scofield	Withem
	Johnson, V.	Morehead	Smith	

Excused and not voting, 5:

Haberman	Hartnett	Johanns	Lynch	Miller

The Schmit amendment lost with 21 ayes, 23 nays, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Moore and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1045. Placed on Select File as amended.
E & R amendments to LB 1045:
AM5361

1. On page 1, line 12, after the second semicolon insert "to harmonize provisions;".

2. On page 7, line 1, strike "this section and".

3. On page 9, line 6, after "act" insert an underscored comma; in line 9 strike the comma; and in line 16 after "change" insert "of boundaries".

4. On page 13, line 8, strike "merger or boundary"; in line 9 after "change" insert "of boundaries or merger"; and in line 15 after "appointment" insert "of the executive committee".

5. On page 14, line 7, after the first "election" insert an underscored comma; in line 9 strike "that" and insert "the"; and in line 23 strike the comma and show as stricken.

6. On page 15, line 1, strike the first comma and show as stricken.

LEGISLATIVE BILL 1046. Placed on Select File as amended.
E & R amendment to LB 1046:
AM5356

1. On page 5, line 1, strike "he or she" and insert "the applicator".

LEGISLATIVE BILL 834. Placed on Select File as amended.
E & R amendment to LB 834:
AM5357

1. On page 1, strike beginning with "to" in line 3 through the semicolon in line 5; and in line 5 strike "such transfers" and insert "the transfer of a homestead exemption".

LEGISLATIVE BILL 842. Placed on Select File.

LEGISLATIVE BILL 1064. Placed on Select File as amended.
E & R amendments to LB 1064:
AM5367

1. On page 3, line 18; and page 5, line 9, reinstate the stricken comma.

2. On page 9, line 21, strike "shall" and show as stricken; and in line 22 strike "fail", show as stricken, and insert "fails".

3. On page 10, lines 10 and 12; and page 12, lines 5 and 18, strike the comma and show as stricken.

4. On page 11, line 23, after "taxes" insert an underscored comma.

5. On page 13, lines 15 and 18, strike the comma.

6. On page 14, line 1, strike "section" and insert "sections".

LEGISLATIVE BILL 933. Placed on Select File as amended.
E & R amendments to LB 933:
AM5358

1. In the Remmers amendment, AM1830, adopted

March 1, 1988, on page 1, line 18, strike the comma.

2. On page 1, line 8, after the semicolon insert "to increase a fee;".

3. On page 3, line 16, reinstate the stricken comma.

4. On page 4, line 23, strike the first "of"; and in line 24 after "filed" insert an underscored comma.

5. On page 6, line 9, strike the second comma and show as stricken and after "and" insert an underscored comma; and in line 21 strike "tax" and show as stricken.

6. On page 8, lines 10 and 12, strike "filing officer", show as stricken, and insert "register of deeds".

LEGISLATIVE BILL 984. Placed on Select File as amended.
E & R amendment to LB 984:
AM5359

1. On page 2, line 14, strike "trusts" and insert "trust"; and in lines 19 and 20 strike the commas and show as stricken.

LEGISLATIVE BILL 819. Placed on Select File.

LEGISLATIVE BILL 863. Placed on Select File as amended.
E & R amendment to LB 863:
AM5362

1. On page 3, lines 4 and 5, strike "a term" and insert "terms".

LEGISLATIVE BILL 863A. Placed on Select File.

LEGISLATIVE BILL 1033. Placed on Select File as amended.
E & R amendments to LB 1033:
AM5360

1. On page 1, line 5, strike "definitions" and insert "a definition".

2. On page 11, line 12, strike "have", show as stricken, and insert "has".

LEGISLATIVE BILL 1008. Placed on Select File as amended.
E & R amendments to LB 1008:
AM5363

1. Insert the following new section:

"Sec. 2. That section 60-402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-402. ~~This act~~ Sections 60-401 to 60-430.06 and sections 3 and 6 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.".

2. On page 1, line 2; and page 24, line 24, after "sections" insert "60-402," and after "60-411.01" insert a comma.

3. On page 4, strike beginning with "exclusively" in line 20 through "act" in line 21, show the old matter as stricken, and insert "to the Motor Vehicle Operator's License Act".

4. On page 5, lines 1 and 24; page 20, line 11; and page 22, line 2, strike "5" and insert "6".

5. On page 6, line 23, after "license" insert "or card".

6. On page 7, line 25; and page 24, line 2, strike "Licensing" and insert "License".

7. On page 20, line 8; and page 21, line 25, strike "operators'", show as stricken, and insert "operator's".

8. On page 21, line 12, strike both commas and strike "permit" and show as stricken.

9. On page 23, line 1, strike "motor vehicle"; and in line 2 strike "operator's" and show as stricken.

10. On page 24, line 3, strike the comma and show as stricken; in lines 11 and 15 strike "hereunder,", show as stricken, and insert "under the act"; in line 12 reinstate "provisions of" and after the reinstated matter insert "the"; and in line 16 reinstate "any of the provisions of".

11. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1008A. Placed on Select File.

LEGISLATIVE BILL 978. Placed on Select File as amended.
E & R amendments to LB 978:
AM5368

1. On page 7, strike beginning with the section "the" in line 3 through the comma in line 4,

show as stricken, and insert "Lancaster County".

2. On page 8, line 1, strike the comma; and in lines 10 to 11 strike "and subsection (6) of this section".

LEGISLATIVE BILL 958. Placed on Select File.

LEGISLATIVE BILL 1013. Placed on Select File as amended.
E & R amendments to LB 1013:
AM5364

1. In the Standing Committee amendments, AM1823, adopted March 1, 1988:

a. Insert the following new amendment:

"3. Renumber original section 2 as section 1."; and

b. On page 3, line 8, strike "79-1912" and insert "71-1912"; and in line 9 strike "79-1915" and insert "71-1915".

2. On page 1, line 2, strike "71-1904," and the second comma; in line 4 strike "section" and insert "sections 71-1912 and"; strike beginning with "to" in line 5 through the semicolon in line 7; in line 8 strike "funding"; in line 9 after the semicolon insert "to provide requirements for rules and regulations on child care; to require hearings on rules and regulations as prescribed;"; and in lines 11 to 12 strike "harmonize provisions" and insert "provide operative dates".

LEGISLATIVE BILL 1013A. Placed on Select File.
LEGISLATIVE BILL 1054. Placed on Select File.

(Signed) Scott Moore, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 3, 1988, at 10:50 a.m., was the following bill: 316.

(Signed) Pam Moravec, Enrolling Clerk

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of

the Legislature, the attached is a list of all Lobbyists who have registered as of March 2, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Brauer III, Siegfried H. - Lincoln, Nebraska School Improvement Association
Comfort, Calvin M. - Omaha (Withdrawn 88/02/29), U.S. Postal Inspection Service (Withdrawn 88/02/29)
DeCamp Legal Services, P.C.
DeCamp, John W. - Lincoln, Moylan, James; Nebraska Fertilizer & Ag-Chemical Institute
Erickson & Sederstrom
Gordon, James E. - Lincoln, National Nutritional Foods Association (Withdrawn 88/02/29)
Lineweber, Ray L. - Lincoln (Withdrawn 88/02/26), United Transportation Union (Withdrawn 88/02/26)
Orton, Leroy W. - Lincoln, Nebraska Committee for the Partially Sighted

UNANIMOUS CONSENT - Print in Journal

Messrs. Chambers and Hall asked unanimous consent to print the following amendment to LR 248 in the Journal. No objections. So ordered.

AM2355

1. On page 1, lines 2 and 10, after the second comma insert "and Article VI, section 1,".

2. On page 4, line 5, after the first period insert:

"CVI-1 'Every citizen of the United States, who has attained the age of eighteen years, on or before the first Tuesday after the first Monday in November and has resided within the state and the county and voting precinct for the terms ~~provide~~ provided by law, shall, except as provided in section 2 of this article, be an elector for the calendar year in which such citizen has attained the age of eighteen years and for all succeeding calendar years.'."; and in line 15 after "referendums" insert "and to permit persons who have attained the age of eighteen years on or before the

first Tuesday after the first Monday in November to vote in the calendar year in which such persons attain the age of eighteen years".

Mr. Baack asked unanimous consent to print the following amendment to LB 1136 in the Journal. No objections. So ordered.

AM2326

1. Insert the following new sections:

"Sec. 5. That section 49-1493, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1493. (1) The individuals listed in subdivisions ~~(1) to (11)~~ (a) to (k) of this ~~section~~ subsection shall file with the commission a statement of financial interests as provided in sections 49-1496 and 49-1497 for the preceding calendar year on or before April 1 of each year in which such individual holds such a position. An individual who leaves office shall, within thirty days after leaving office, file a statement covering the period since the previous statement was filed. Disclosure of the interest named in sections 49-1496 to 49-1498 shall be made by:

~~(1)~~ (a) An individual holding a state executive office as provided in Article IV, Constitution of Nebraska, including the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, Tax Commissioner, and the heads of such other executive departments as set forth in the Constitution or as may be established by law;

~~(2)~~ (b) An individual holding the office of Commissioner of Education, member of the State Board of Education, or member of the Board of Regents of the University of Nebraska;

~~(3)~~ (c) A member of the Board of Parole;

~~(4)~~ (d) A member of the Public Service Commission;

~~(5)~~ (e) A member of the Legislature;

~~(6)~~ (f) A member of the board of directors or an officer of a district organized under the provisions of Chapter 70;

~~(7)~~ (g) A member of any board or commission of the state or any county which examines or licenses a

business, trade, or profession, or which determines rates for or otherwise regulates a business;

~~(8)~~ (h) A member of a land-use planning commission, zoning commission, or authority of the state or any county with a population of more than one hundred thousand inhabitants;

~~(9)~~ (i) An elected official of a city of the primary or metropolitan class;

~~(10)~~ (j) An elected county official; and

~~(11)~~ (k) An official or employee of the state designated by rules and regulations of the commission, who is responsible for taking or recommending official action of a nonministerial nature with regard to:

~~(a)~~ (i) Contracting or procurement;

~~(b)~~ (ii) Administering or monitoring grants or subsidies;

~~(c)~~ (iii) Land-use planning or zoning;

~~(d)~~ (iv) Inspecting, licensing, regulating, or auditing any person; or

~~(e)~~ (v) Any similar action.

(2) Notwithstanding subsection (1) of this section, no board or commission member of the Nebraska Beef Industry Development Board, Nebraska Wheat Development, Utilization, and Marketing Board, Grain Sorghum Development, Utilization, and Marketing Board, Corn Development, Utilization, and Marketing Board, Soybean Development, Utilization, and Marketing Board, and the Dry Bean Commission shall be required to file a statement of financial interests with the commission.

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 12, line 9, strike "and 49-1469" and insert "49-1469, and 49-1493".

3. Renumber the remaining section accordingly.

Messrs. Barrett and Warner asked unanimous consent to print the following amendment to LB 766A in the Journal. No objections. So ordered.

AM2357

1. Strike original section 1 and insert the following new section:

"Section 1. (1) There is hereby appropriated (a) $300,000 from the General Fund for the period July 1, 1988, to June 30, 1989, and (b) $1,200,000 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Wastewater Treatment Facilities Construction Loan Fund, to aid in carrying out the provisions of Legislative Bill 766, Ninetieth Legislature, Second Session, 1988.

(2) There is hereby appropriated (a) $300,000 from the Wastewater Treatment Facilities Construction Loan Fund for the period July 1, 1988, to June 30, 1989, and (b) $1,200,000 from the Wastewater Treatment Facilities Construction Loan Fund for the period July 1, 1989, to June 30, 1990, to the Department of Environmental Control, Program 523, to aid in carrying out the provisions of Legislative Bill 766, Ninetieth Legislature, Second Session, 1988.

The appropriations from the Wastewater Treatment Facilities Construction Loan Fund to the Department of Environmental Control, Program 523, shall be increased by the amount of any federal capitalization grants received pursuant to section 601 of the Clean Water Act and any repayments of principal and interest on loans.

(3) No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

(4) There is included in the appropriation to this program for FY1988-89 $300,000 General Funds for state aid, which shall be used only for such purpose. There is included in the appropriation to this program for FY1989-90 $1,200,000 General Funds for state aid, which shall be used only for such purpose.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 1116A. Introduced by Withem, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1116, Ninetieth Legislature, Second Session, 1988.

UNANIMOUS CONSENT - Unbracket LB 352

Messrs. Hefner and Weihing asked unanimous consent to unbracket LB 352. No objections. So ordered.

MOTION - Place LB 1042 on General File

Messrs. Elmer and Barrett moved to advance LB 1042 to General File pursuant to Rule 3, Section 19.

Laid over.

SELECT FILE

LEGISLATIVE BILL 384. Mrs. Marsh offered the following amendment:

The provisions of this act shall terminate on December 1, 1993.

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 with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 384A. E & R amendment, AM5061, found in the Journal on page 562 for the Twenty-Second Day, First Session, 1987, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 229. E & R amendments, AM5065, found in the Journal on page 563 for the Twenty-Second Day, First Session, 1987, were adopted.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Wesely and V. Johnson renewed their pending amendment found in the Journal on page 961.

The Wesely-V. Johnson amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 229A. Mr. V. Johnson withdrew his pending amendment, AM1639, found in the Journal on page 479.

Messrs. V. Johnson and Wesely renewed their pending amendment, AM2175, found in the Journal on page 1099.

PRESIDENT NICHOL PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The V. Johnson-Wesely amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 320. Mr. Wesely renewed his pending amendment, AM2025, found in the Journal on page 841.

The Wesely amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 257. E & R amendments, AM5242, found in the Journal on page 256 for the Fourth Day were adopted.

Mr. Lamb renewed his pending amendment, AM2211, found in the Journal on page 1018.

The Lamb amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Wesely renewed his pending amendment, AM2120, found in the Journal on page 1079.

The Wesely 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 647. Mrs. Nelson renewed her pending amendment, AM2007, found in the Journal on page 829.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Messrs. Peterson and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

The Nelson amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 647A. E & R amendments, AM5273, found in the Journal on page 376 for the Ninth Day were adopted.

Mrs. Nelson offered the following amendment:
AM2333

1. Strike the original section and all amendments thereto and insert the following new sections:

"Section 1. That Laws 1987, LB 780, section 16, subdivision (4), be amended to read as follows:

(4) Program No. 143 - State Aid and School Food Services

	FY1987-88	FY1988-89
~~GENERAL FUND~~	~~122,780,867~~	~~122,781,039~~
GENERAL FUND	122,780,867	124,281,039
FEDERAL FUND est.	21,446,848	21,448,943
~~PROGRAM TOTAL~~	~~144,227,715~~	~~144,229,982~~
PROGRAM TOTAL	144,227,715	145,729,982

Total expenditures for permanent and temporary salaries and per diems shall not exceed $167,472 for FY1987-88. Total expenditures for permanent and temporary salaries and per diems shall not exceed $167,472 for FY1988-89.

There is included in the amount shown for FY1987-88 $87,615,626 General Funds for state aid to education. Of the $87,615,626 General Funds, there is hereby appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated, an amount necessary to fully fund the provisions of (a) section 79-1334, not to exceed sixty per cent of the $87,615,626, (b) section 79-1340, and (c) section 79-1339. The remaining funds of the $87,615,626 which

are not appropriated to the School Foundation and Equalization Fund shall be distributed under the provisions of section 79-4,160.

There is included in the amount shown for FY1988-89 ~~$87,615,626~~ $89,115,626 General Funds for state aid to education. Of the ~~$87,615,626~~ $89,115,626 General Funds, there is hereby appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated, an amount necessary to ~~fully fund the provisions of (a) section 79-1334, not to exceed sixty per cent of the $87,615,626, (b) section 79-1340, and (c) section 79-1339~~ (a) fully fund the Vocational Education Program Support Act at the rate of $1,500,000, (b) fund the provisions of section 79-1334 in such manner so that the sum of vocational education aid plus the aid distributed under section 79-1334 does not exceed sixty percent of the $89,115,626, (c) fund section 79-1340, (d) fund section 79-1339. The remaining funds of the ~~$87,615,626~~ $89,115,626 which are not appropriated to the School Foundation and Equalization Fund shall be distributed under the provisions of section 79-4,160.

There is included in the amount shown for FY1987-88 $34,351,602 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 FY1987-88.

There is included in the amount shown for FY1988-89 $34,351,602 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 FY1988-89.

There is included in the amount shown for FY1987-88 $97,000 General Funds for the Nebraska Mathematics and Science Teacher Tuition Assistance Act which is hereby appropriated to the School Foundation and Equalization Fund, which is hereby appropriated, to be distributed pursuant to sections 79-12,142 to 79-12,152.

There is included in the amount shown for FY1988-89 $97,000 General Funds for the Nebraska Mathematics and Science Teacher Tuition Assistance Act

which is hereby appropriated to the School Foundation and Equalization Fund, which is hereby appropriated, to be distributed pursuant to sections 79-12,142 to 79-12,152.

There is included in the amount shown for FY1987-88 $5,107 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.

There is included in the amount shown for FY1988-89 $5,107 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.

There is included in the appropriation for this program for FY1987-88 $122,730,335 General Funds and $20,950,000 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation for this program for FY1988-89 ~~$122,730,335~~ $124,230,335 General Funds and $20,950,000 Federal Funds estimate for state aid, which shall only be used for such purpose.

Sec. 2. There is hereby appropriated $1,500,000 from the General Fund for the period July 1, 1989, to June 30, 1990, to the State Department of Education, for Program 294, to aid in carrying out the provisions of Legislative Bill 647, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 3. That original Laws 1987, LB 780, section 16, subdivision (4), is repealed.".

The Nelson amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1012. E & R amendments, AM5307, found in the Journal on page 632 for the Eighteenth Day were adopted.

Mr. Chambers renewed his pending amendment, AM2169, found in the Journal on page 996.

The Chambers amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Abboud renewed his pending amendment, AM2238, found in the Journal on page 1065.

Mrs. Pirsch 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 Abboud amendment lost with 5 ayes, 20 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Abboud withdrew his pending amendment, AM1934, found in the Journal on page 1013.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1012A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 90 in the Journal. No objections. So ordered.

AM1807

1. On page 3, line 20, after the period insert "The court may order an independent examination by a qualified mental health professional if the defense attorney requests the opportunity to rebut the showing of compelling need produced by the prosecuting attorney. Such examination shall be conducted in the child's county of residence.".

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 888 in the Journal. No objections. So ordered.

AM2300

1. Insert the following new section:

"Sec. 2. That section 81-1806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1806. The committee, with the approval of

the commission, shall appoint one or more hearing officers~~, who shall be licensed to practice law in the state,~~ to conduct hearings, take testimony in proceedings under the Nebraska Crime Victim's Reparations Act, and make determinations of any matter subject to such act.".

2. On page 4, line 2, after the comma insert "81-1806,".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 1040. Placed on General File as amended.
Standing Committee amendments to LB 1040:
AM2253

1. On page 2, line 4, strike "At", show as stricken, and insert "Except as provided for by collective-bargaining contracts, at"; and in lines 9 through 11 strike the new matter and insert "All pay-period rates shall be computed from the increased annual rate, including the hourly rate which shall be determined by dividing the increased annual rate by the number of hours in the appropriate work year.".

2. On page 3, strike lines 14 through 16 and insert:

"(2) On July 1, 1988, state employees covered under the State Personnel System and not covered under collective-bargaining contracts for certified collective-bargaining units as specified in section 81-1373 shall receive a four percent pay increase, except:

(a) As otherwise provided for in the Industrial Relations Act or the State Employees Collective Bargaining Act;"; in line 17 strike "(a)" and insert "(b)" and after "employees" insert "with less than six months service"; in line 20 strike "(b)" and insert "(c)"; and in line 23 strike "In" and insert "Between July 1, 1988, and June 30, 1989, in".

3. On page 4, line 1, after "contracts" insert "for certified collective-bargaining units as specified in section 81-1373, except as otherwise provided for in the Industrial Relations Act or the

State Employees Collective Bargaining Act,".

4. On page 6, line 7, after "act" insert "and in such collective-bargaining contracts".

5. Strike original section 3 and insert the following new sections:

Sec. 3. Except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act and except for the pay increases provided for in this act, the Director of Personnel shall have authority to adjust terms and conditions of employment for fiscal year 1988-89 for employees not covered by collective-bargaining contracts for certified collective-bargaining units specified in section 81-1373, including terms and conditions of employment which may otherwise be provided by law, in order to make such terms and conditions of employment more consistent with those of such covered employees.

Sec. 4. Except for employees of the University of Nebraska and the state colleges and except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act, terms and conditions of employment which may otherwise be provided by law for employees not covered under the State Personnel System may be adjusted for fiscal year 1988-89 to make such terms and conditions of employment more consistent with those of employees in the State Personnel System or with those of other employees of the same employer-representative, as such term is defined in section 81-1371, who are covered by a collective-bargaining contract.".

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1041. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2250.)

LEGISLATIVE BILL 1160. Placed on General File as amended. Standing Committee amendments to LB 1160:
AM2301

1. On page 2, line 2, strike "$6,900,000" and insert "$1,600,000"; and after line 6 insert:

"There is included in the appropriation to this program for FY1988-89 $1,600,000 General Funds for

state aid, which shall be used only for such purpose.".

2. Strike original section 2.

LEGISLATIVE BILL 38. Placed on General File as amended.
Standing Committee amendment to LB 38:
AM2066

1. Strike the original sections and insert the following new sections:

"Section 1. That section 85-324, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-324. There is hereby created the State College Facilities Improvement Fund. All money accruing to the fund is hereby appropriated to the Board of Trustees of the Nebraska State Colleges and shall be used exclusively for those construction projects of the state colleges authorized pursuant to this section. No expenditure may be made from such fund without prior approval by a resolution of the board of trustees.

The board of trustees may make expenditures from the State College Facilities Improvement Fund for the following projects: (1) Renovation of the T.J. Majors Education Building at Peru State College, two million twenty-five thousand dollars; and (2) renovation of, and construction of an addition to, Cushing Coliseum at Kearney State College, eight million five hundred ninety-eight thousand ninety-eight dollars. The board of trustees may make additional expenditures for the project listed in subdivision (2) of this section in an amount not to exceed two million <u>two hundred ninety-five thousand</u> dollars from private sources and non-state-aided institutional sources. The cost for each project listed in this section shall be exclusive of sums previously expended for planning and any administrative costs and financing costs associated with any contract which the board of trustees may enter into pursuant to this section and section 85-325 to implement any of the projects listed in this section.

The board of trustees may make expenditures for the purposes stated in this section from investment income balances in the State College Facilities Improvement Fund. The board of trustees may make expenditures from such fund in amounts which, in combination with interest accrued on any construction

funds and reserve funds created as part of a long-term contract entered into by the board of trustees pursuant to section 85-325, are sufficient to satisfy the financial obligations incurred in such contracts entered into by the board of trustees. Any balance existing in the State College Facilities Improvement Fund, any reserve funds, or any other funds created as part of a long-term contract entered into by the board of trustees pursuant to section 85-325 shall be transferred to the General Fund either on June 15, 1998, or when all financial obligations incurred in the contracts entered into by the board of trustees pursuant to section 85-325 are discharged, whichever occurs first.

Sec. 2. That original section 85-324, 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 391. Placed on General File as amended.
Standing Committee amendment to LB 391:
AM2314

1. Strike the original sections and insert the following new sections:

"Section 1. That section 84-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-613. ~~(1)~~ 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. ~~Except as provided in subsection (2) of this section, any~~ Any interest earned by the fund shall accrue to the ~~Cash Reserve~~ General Fund. ~~until such time as the balance in the fund, including any outstanding transfers made pursuant to subsection (2) of section 84-612, equals thirty-five million dollars. After such time, any interest earned shall accrue to the General Fund.~~

~~(2) Interest shall not accrue to the Cash Reserve Fund on the funds which have been transferred from the Cash Reserve Fund to the General Fund pursuant to section 84-612.~~

Sec. 2. This act shall become operative on July 1, 1988.

Sec. 3. That original section 84-613, Reissue Revised Statutes of Nebraska, 1943, is 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 846. Placed on General File as amended.
Standing Committee amendments to LB 846:
AM2257

1. Insert the following new section:

"Section 1. The Legislature hereby finds and declares that the family is the backbone of Nebraska and it is in the best interest of Nebraska to solidify, preserve, strengthen, and maintain the family unit. Often when a family member is afflicted with substance abuse or mental health problems all family members are affected and the family unit itself becomes fragmented and begins to deteriorate. It is the intent of the Legislature, through the appropriations prescribed in sections 2 and 3 of this act, to use a portion of the funds to implement programs to train qualified personnel and to establish creative programs in the areas of family-centered counseling and the prevention and treatment of substance abuse or mental health problems within such families consistent with the findings and principles of sections 43-532 to 43-534. The personnel training and treatment programs shall be designed to aid each family member and the family unit by using counseling and any other necessary creative treatment programs which are the least intrusive and least restrictive on the family unit yet serve to repair and strengthen such unit.".

2. On page 2, lines 2 and 6, strike "$500,000" and insert "$150,000".

3. Renumber the remaining sections accordingly.

(Signed) Jerome Warner, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1040A. Introduced by Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1040, Ninetieth Legislature, Second Session, 1988; to provide an operative date; and to declare an emergency.

ATTORNEY GENERAL'S OPINION

Opinion No. 88014

DATE: February 25, 1988

SUBJECT: Whether county superintendents, pursuant to LB 128, as amended, can constitutionally be appointed rather than elected.

REQUESTED BY: Senators Ron Withem and Chris Abboud
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

LB 128, as amended, would repeal selected statutes which provide for the election of county superintendents. Section 6 of LB 128, as amended, would grant to the county board of each county the power to appoint a county superintendent {except that no county superintendent shall be appointed in those counties (a) having population of three thousand inhabitants or less and (b) which have been organized into a single school district under the direction of a single board of education and a superintendent of schools elected by that board of education}. If a county board chose not to appoint a county superintendent and the duties of that officer are not assumed by a superintendent of schools within the exception stated above, the county board of education has a duty to contract pursuant to Neb.Rev.Stat. §79-320.01 (Reissue 1987) for the performance of all the duties imposed by law upon the county superintendents. The question immediately arises as to whether it is constitutional under LB 128, as amended, to appoint, rather than elect, county superintendents. In order to answer that question it is necessary to determine if county superintendents are public officers.

It is a universal rule that in order to indicate a public office the duties thereof must partake for a time in being some degree of the sovereign powers of the state, either legislative, executive or judicial. As stated by the Nebraska Supreme Court in State ex rel. O'Conner

v. Tusa, 130 Neb. 528, 536, 265 N.W. 524 (1936): "A public officer is an incumbent of a public office, which is the right, duty and authority conferred by law, by which for a given period, an individual is invested with some portion of the sovereign functions of government for the benefit of the public."

Section 6(4) of LB 128, as amended, refers to the county superintendent as an "office." It is also to be noted that LB 128, as amended, does not repeal or amend existing statutory powers and duties of that office. Rather, LB 128, as amended, repeals and amends selected existing statutes which provide the manner by which the office is filled. Thus if LB 128, as amended, became operative law, the individuals appointed to that position would be invested with the same sovereign functions of government which are currently invested in individuals who are elected to that office.

Under our system of government the people of our state cannot be denied the opportunity to elect county officers. Article IX, section 4 of the Constitution of Nebraska provides "The Legislature shall provide by law for the election of such county and township officers as may be necessary and for the consolidation of county offices for two or more counties; Provided, that each of the counties affected may disapprove such consolidation by a majority vote in each of the counties." We are therefore of the opinion that so much of LB 128, as amended, which pertains to the appointment of county superintendents is in violation of Article IX, section 4, of the Constitution of Nebraska.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

20-19-2

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

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 817 in the Journal. No objections. So ordered.

Adopt Emergency Clause.

RESOLUTION

LEGISLATIVE RESOLUTION 303. Introduced by Wesely, 26th District.

WHEREAS, twelve of the twenty-three faculty members in the Department of History at the University of Nebraska at Lincoln had a total of fourteen books published or accepted for publication in 1987; and

WHEREAS, these professors of history at the university led all of the history department faculties in the Big Eight Conference in scholarly publication during the past year; and

WHEREAS, these faculty authors contributed substantially to the international base of historical knowledge on a variety of subjects ranging from the metamorphosis of a Medieval city during the fourteenth century to the American diplomatic tradition and the presidency of Woodrow Wilson; and

WHEREAS, these faculty members in the Department of History at the University of Nebraska at Lincoln deserve special recognition for contributing new knowledge to the world and enlivening the teaching of history for both graduate and undergraduate students at the university.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Professor Benjamin G. Rader, chairperson of the Department of History at the University of Nebraska at Lincoln, and the twelve faculty authors who have distinguished themselves, the university, and the State of Nebraska through their superb record of scholastic achievement.

2. That the Clerk of the Legislature mail copies of this resolution to Professor Rader and to Professors Lloyd E. Ambrosius, Peter E. Bergmann, David L. Cahan, Esther S. Cope, Dane K. Kennedy, Frederick C. Luebke, Thomas C. Mackey, Timothy R. Mahoney, Gary E. Moulton, David M. Nicholas, Ralph H. Vigil, and Kenneth J. Winkle.

3. That the Clerk of the Legislature mail a copy of this resolution to the Board of Regents of the University of Nebraska.

Laid over.

SELECT FILE

LEGISLATIVE BILL 996. E & R amendment, AM5329, found in the Journal on page 791 for the Twenty-Fourth Day was adopted.

Mr. Remmers renewed his pending amendment, AM2113, found in the Journal on page 945.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

The Remmers amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Conway offered the following amendment:
AM2064

1. Insert the following new sections:

"Section 1. That section 8-126, Revised Statutes Supplement, 1987, be amended to read as follows:

8-126. A majority of the members of the board of directors of any bank transacting business under sections 8-101 to 8-1,121 shall ~~be residents of~~ have their residences in this state or within twenty-five miles of the bank's main office. Reasonable efforts shall be made to acquire members of the boards of directors from the county in which such bank is located. Every director shall be the owner of at least one share of the paid-up capital stock in his or her own name and right. Directors of banks shall be persons of good moral character, known integrity, business experience, and responsibility. No person shall act as such member of the board of directors of any bank until such bank applies for and obtains approval from the Department of Banking and Finance.

Sec. 2. That original section 8-126, Revised Statutes Supplement, 1987, is repealed.".

2. Renumber remaining sections accordingly.

The Conway amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 864. E & R amendments, AM5334, found in the Journal on page 869 for the Twenty-Seventh Day were adopted.

Mr. Hall renewed his pending amendment, AM2090, found in the Journal on page 921.

The Hall 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 88. E & R amendments, AM5336, found in the Journal on page 871 for the Twenty-Seventh Day were adopted.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved to indefinitely postpone LB 88.

Laid over.

LEGISLATIVE BILL 1100. E & R amendments, AM5339, printed separate from the Journal and referred to on page 1000 were adopted.

Mr. Wesely renewed his pending amendment, AM2217, printed separate from the Journal and referred to on page 1079.

The Wesely amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Wesely renewed his pending amendment, AM2195, found in the Journal on page 1080.

The Wesely amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Remmers renewed his pending amendment, AM2265, printed separate from the Journal and referred to on page 1086.

The Remmers amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Withem renewed his pending amendment, AM2258, printed separate from the Journal and referred to on page 1129.

The Withem amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Ms. Scofield offered the following amendment:

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2310.)

The Scofield amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mrs. Morehead moved to indefinitely postpone LB 1100.

Laid over.

Mr. Rogers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1117. E & R amendments, AM5338, found in the Journal on page 1000 for the Thirty-Third Day were adopted.

Mrs. Langford moved to indefinitely postpone LB 1117.

Laid over.

LEGISLATIVE BILL 1127. Mr. Hall withdrew his pending amendment, AM2247, found in the Journal on page 1061.

Advanced to E & R for Engrossment.

MOTION - Introduce New Bill

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1942.

The Warner motion prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1237. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of civil action claims against the state; to provide how payment shall be made; and to declare an emergency.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Sections 4 and 13, and Rule 6, Section 1, to place LB 1237 on General File.

The Warner motion prevailed with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz and Mr. Baack asked unanimous consent to print the following amendment to LB 1041 in the Journal. No objections. So ordered.

AM2350

(Amendments to AM2250)

1. On page 15, after line 3 insert:

"(1) Program No. 122 - Legislative Services

	FY1987-88	FY1988-89
GENERAL FUND	-0-	253,000
PROGRAM TOTAL	-0-	253,000

There is included in the appropriation to this program $35,000 General Funds to provide funding for an election law study.

There is included in the appropriation to this program $218,000 General Funds to provide for the purchase of computer equipment and software for use in each senator's office."; in line 4 strike "(1)" and insert "(2)"; in line 8 strike "(2)" and insert "(3)"; and in line 12 strike "(3)" and insert "(4)".

Mr. Lamb asked unanimous consent to print the following amendment to LB 1100 in the Journal. No objections. So ordered.

AM2124

1. Insert the following new section:

"Sec. 91. That section 71-3515.01, Revised Statutes Supplement, 1987, be amended to read as follows:

71-3515.01. (1) Any person who operates an X-ray system under the direction of a licensed

practitioner, except a certified physician assistant, or who operates an X-ray system under the direct supervision of a licensed practitioner shall:

(a) Be certified as having completed a course of study in radiologic technology and training approved by the department. The department may base such certification upon the standards developed by the American Registry of Radiologic Technologists. Such standards, if approved by the department, may be in lieu of or in addition to any other certification requirement;

(b) Have completed a twenty-four-month educational program in radiography as approved by the department. The department may base the requirements for such a training program upon the programs developed by the Committee on Allied Health Education and Accreditation of the American Medical Association or any other national professional association or registry approved by the department; or

(c) If not employed solely as an X-ray system operator but whose duties may require operation of an X-ray system on a limited basis, have (i) completed a course of instruction in radiation use and safety consisting of sixteen contact hours of instruction incorporating the course material as provided in rules and regulations of the department pursuant to section 71-3515.02 and (ii) been tested on the course material described in subdivision (c)(i) of this subsection.

The department may also approve courses of instruction developed by associations, educational institutions, health care facilities, or other entities so long as such courses meet the criteria set out in the rules and regulations adopted and promulgated by the department. The rules and regulations shall include procedures for such entities to carry out approved courses of instruction and may include provisions to carry out the required testing. The rules and regulations shall provide that the prescribed instruction be administered by a licensed practitioner or under the direct supervision of an operator who meets the requirements of subdivision (a) or (b) of this subsection. This section shall not prohibit any facility from exceeding the minimum hourly or instruction requirements.

(2) The requirements of subsection (1) of this section shall not apply to a student or trainee who operates an X-ray system while under the direct supervision of a licensed practitioner or under the direct supervision of an operator who meets the requirements of subdivision (1)(a) or (b) of this section.".

2. On page 175, line 24, after the last comma insert "71-3515.01,".

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Conway and L. Johnson asked unanimous consent to print the following amendment to LB 1100 in the Journal. No objections. So ordered.

AM2121

1. Insert the following new sections:

"Sec. 28. That section 71-1,107.16, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,107.16. As used in sections 71-1,107.15 to 71-1,107.30, unless the context otherwise requires:

(1) Approved program shall mean a program for the education of physician assistants which the board formally approves;

(2) Board shall mean the Board of Examiners in Medicine and Surgery;

(3) Department shall mean the Department of Health of the State of Nebraska;

(4) Physician assistant shall mean any person who graduates from a program approved by the Council on Allied Health Education and Accreditation or its successor agency and the board, who satisfactorily completes a proficiency examination, and who the board, with the concurrence of the department, approves to perform medical services under the supervision of a physician or group of physicians approved by the board to supervise such assistant;

(5) Supervision shall mean supervision according to standards established by the supervising physician or physicians which he, she, or they deem necessary for the responsible control of each physician assistant for whom he, she, or they are certified by the

board to supervise. The standards shall be individualized to meet the needs of each supervising physician's or physicians' medical practice while protecting the public from harm. The standards shall require the ready availability of the supervising physician or physicians for consultation and direction of the medical activities of the physician assistant. Telecommunication contact between the supervising physician or physicians and the physician assistant shall be sufficient to show ready availability. The standards may include personal observation of the work of the physician assistant by the supervising physician or physicians, review of a selected number of the medical record entries made by the physician assistant, discussion of medical problems and their management, or other activities which assure the supervising physician or physicians that the physician assistant is rendering quality medical care; ~~the ready availability of the supervising physician for consultation and direction of the activities of the physician assistant. Contact with the supervising physician by telecommunication shall be sufficient to show ready availability if the board finds that such contact is sufficient to provide quality medical care;~~

(6) Trainee shall mean any person who is currently enrolled in an approved program;

(7) Proficiency examination shall mean the initial certifying examination approved by the board for the certification of physician assistants, including, but not limited to, the examination administered by the National Commission on Certification of Physician Assistants or other national organization established for such purpose that is recognized by the board;

(8) Supervising physician or physicians shall mean ~~a~~ any (a) board-approved physician or physicians who ~~utilizes~~ utilize an approved physician assistant or (b) backup physician or physicians;

(9) Backup physician or physicians shall mean a physician or physicians designated by the supervising physician or physicians to ensure supervision of the physician assistant in the supervising physician's or physicians' absence. A backup physician or physicians shall be subject to the same requirements imposed upon the supervising physician or physicians when the backup

physician or physicians are ~~is~~ acting as a supervising physician or physicians; and

(10) Committee shall mean the Physician Assistant Committee created in section 71-1,107.25.

Sec. 29. That section 71-1,107.17, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,107.17. Notwithstanding any other provision of law, a physician assistant may perform medical services when he or she renders such services under the supervision of a licensed physician or group of physicians approved by the board, in the specialty area or areas for which the physician assistant ~~shall be~~ is trained or experienced. Any physician assistant certified under sections 71-1,107.15 to 71-1,107.30 to perform services may perform those services only:

(1) In the office of the supervising physician or physicians where such physician ~~maintains~~ or physicians maintain his, ~~or~~ her, or their primary practice;

(2) In any other office which is operated by the supervising physician or physicians with the personal presence of the supervising physician or physicians. If the physician assistant does not hold a temporary certificate, the ~~The~~ physician assistant may function without the personal presence of the supervising physician or physicians in an office other than where such physician ~~maintains~~ or physicians maintain his, ~~or~~ her, or their primary practice when ~~approved on an individual basis by the board~~ the supervising physician or physicians have determined that the physician assistant is competent to perform medical services in such offices. ~~Any such approval shall require~~ In such offices, the supervision standards established by the supervising physician or physicians may include site visits by the supervising physician or physicians, ~~regular reporting to the supervising physician by the physician assistant, and arrangements for supervision at all times by the supervising physician which are sufficient to provide~~ review of a selected number of the medical record entries made by the physician assistant, discussion of medical problems and their management, or other activities which assure the supervising physician or physicians that the

physician assistant is rendering quality medical care;

(3) In a hospital, with the approval of the governing board of such hospital, ~~where~~ when the supervising physician or physicians are ~~is~~ a member of the staff and the physician assistant is subject to the rules and regulations of the hospital. Such rules and regulations may include, but not be limited to, reasonable requirements that physician assistants and the supervising physician or physicians maintain professional liability insurance with such coverage and limits as may be established by the hospital governing board, upon the recommendation of the medical staff; or

(4) On calls outside such offices, when authorized by the supervising physician or physicians and with the approval of the governing board of any affected hospital.

Sec. 30. That section 71-1,107.24, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,107.24. The board shall adopt and promulgate rules and regulations necessary for the administration of physician assistant utilization. Such rules and regulations shall be adopted in accordance with the Administrative Procedure Act. Rules and regulations shall be adopted to assure that ~~every physician assistant performs his or her services under the responsible supervision and control of a physician or group of physicians~~ supervising physician or a group of supervising physicians have developed and implements supervisory standards for his or her physician assistant as specified in subdivision (5) of section 71-1,107.16. The board shall adopt and promulgate all rules and regulations required and authorized by sections 71-1,107.15 to 71-1,107.30 only with the approval of the department.

Sec. 31. That section 71-1,107.30, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,107.30. A physician assistant shall not prescribe medications except as an agent of the supervising physician or physicians. A physician assistant may prescribe medications, except Schedule II controlled substances, in the name of the supervising physician or physicians if the authority has been

assigned by the supervising physician or physicians. The prescription container label shall bear the name of the supervising physician or physicians and may also bear the name of the physician assistant.".

2. On page 175, line 9, after the last comma insert "71-1,107.16, 71-1,107.17, 71-1,107.24, 71-1,107.30,".

3. Renumber the remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were 50 seventh grade students and teacher from St. Paul Public School; 16 fourth grade students and teacher from Emmanuel Lutheran School, York; and Nina Papik from Crete, Lorraine Haas from Hemmingford, and Jane Rauner from Sidney.

ADJOURNMENT

At 1:58 p.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Monday, March 7, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 7, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 7, 1988

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Dan Rueb, Christ's Place Assembly of God Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hefner who was excused; and Messrs. Ashford, Chambers, Conway, Haberman, McFarland, Schmit, Mesdames Higgins, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 352.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 352

The following changes, required to be reported for publication in the Journal, have been made:
ER0244
1. In the Landis amendment, AM1972, adopted February 17, 1988:
a. On page 1, line 13, "and regulation" has been inserted after "rule";
b. On page 2, line 20, "shall exclude" has been struck, shown as stricken, and "excludes" inserted;
c. On page 3, line 23, "25-541.04" has been struck and "24-541.04" inserted; and
d. Sections 22 and 23 have been renumbered as sections 24 and 25, respectively.
2. In the Landis amendment, AM1989, adopted February 17, 1988, sections 18 to 20 have been renumbered as section 17 to 19, respectively.
3. In the Abboud amendment, AM1946, adopted February 17, 1988, section 189 has been renumbered as section 187.
4. In the E & R amendment, AM5247, adopted February 10, 1988:
a. On page 9, line 11, "2-1035," has been struck; in line 13, "15-1202 to 15-1204," has been inserted after the first comma and "24-541.06," has been inserted after "24-313,"; and in line 20 "44-3010," has been struck;
b. On page 10, line 3, "71-1,165," and "71-1335," have been struck; in line 6 "71-4712," has been struck; in line 10 "79-3354," has been struck; in line 14 "84-913," has been struck; in line 16 "24-541.04," has been inserted after "21-328,"; in line 21 "77-2407," has been struck; and in line 23 "and courts" has been inserted after "agencies" and "to provide an operative date;" has been inserted after the second semicolon;
c. On page 19, line 9, "and '79-2838' insert ', 79-3354'" has been struck; and in line 19 "77-2407," has been struck; and
d. Sections 130, 131, 162, and 180 have been renumbered as sections 131, 132, 161, and 178, respectively.
3. On page 1, line 1, "administrative" has been struck and "appeal" inserted.
4. On page 133, line 4, the comma has been struck and shown as stricken.
5. Because of the repeal of sections 2-1035 and 44-3010 by Legislative Bills 874 and 803, respectively, Ninetieth Legislature, Second Session, 1988, respectively, the pending repeal of sections 71-1,165 and 71-1335 and 77-2407 by Legislative Bills 1100 and 864,

Ninetieth Legislature, Second Session, 1988, respectively, and the pending amendment of section 71-4712 by Legislative Bill 1100, Ninetieth Legislature, Second Session, 1988, original sections 3, 64, 117, 119, 136, and 159 and all amendments thereto have been struck.

6. On page 249, line 14, "2-1035," has been struck; and in line 22 "44-3010," has been struck.

7. On page 250, line 4, "71-1,165," and "71-1335," have been struck; and in line 7 "71-4712," has been struck.

8. The remaining sections have been renumbered accordingly.

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGES FROM THE GOVERNOR

March 4, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 316 was received in my office on March 3, 1988.

This bill was signed by me on March 4, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

March 3, 1988

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

Dear Mr. President and Senators:

I am returning LB 519 without my signature and with my objections.

LB 519 establishes in state statute the make-up of the collective bargaining unit for the Nebraska State Patrol. My objection does not lie with the composition of the bargaining unit. My objection is to the bill's encroachment upon the the collective bargaining structure established by the Legislature in LB 661 enacted in 1987. This would set a precedent for determining bargaining units by statute rather than through the collective bargaining process.

This veto should not be construed as a challenge to the make-up of the State Patrol bargaining unit. As you know, the bargaining unit defined in LB 519 is the same as the one already determined by the Commission on Industrial Relations. I'm supportive of that determination. The unit has already been established. Neither the enactment of LB 519 nor my veto will affect its composition.

Sincerely,
(Signed) KAY A. ORR
Governor

March 4, 1988

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

Dear Mr. President and Senators:

I am returning LB 853 without my signature and with my objections.

LB 853 increases the amount that counties can levy for constructing and maintaining buildings without a vote of the people and lowers the number of signatures needed on a citizen's petition authorizing the county board to make a special assessment for county buildings.

Although I recognize the need for giving flexibility to elected officials, it is important to have the voters approve substantial construction projects. This bill tips the balance too far away from the voters.

Sincerely,

(Signed) KAY A. ORR
Governor

ATTORNEY GENERAL'S OPINIONS

Opinion No. 88016

DATE: March 1, 1988

SUBJECT: Authority of legislature to delegate legislative functions to private persons

REQUESTED BY: Senator Richard Peterson
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Marilyn B. Hutchinson, Assistant Attorney General

You have asked two questions about a proposed amendment to Neb.Rev.Stat. §71-1,107.17 (Reissue 1986), a statute pertaining to physician assistants. The amendment would permit a physician assistant, other than one with a temporary certificate, to practice without the personal presence of any supervising physician at a site away from the primary practice site of such physician if such physician determines the physician assistant is competent to do so and such physician establishes the standards of supervision which will assure that the physician assistant is rendering quality care there.
1. Is this an unconstitutional delegation of legislative authority? We have concluded that it probably is, as discussed below.

The legislature may not delegate to private persons a legislative function. Rowe v. Ray, 120 Neb. 118, 231 N.W. 689 (1930). In that case the claim was made that the legislature had conferred a legislative function upon private individuals, contrary to the provisions of Section 1, Article II and Section 1, Article III of the Nebraska Constitution.

The court agreed. "The legislature may prescribe and fix the terms and conditions on which a law may come into operation." Then it may leave to some officer or official body the determining whether the prescribed terms and conditions exist. Supra at 122. But it may not delegate such functions to private individuals. Id. at 123.

In the present case the legislative functions being delegated to private individuals are the authority to determine whether a physician assistant is competent to practice without the personal presence of a

supervising physician and the authority to determine what supervision is required to assure that such physician assistant is rendering quality care. (These are necessarily the questions of minimum competency and minimum supervision. The supervising physician can always require more from the physician assistant for whom he or she has agreed to be liable.)

The legislature has made the required supervision of a physician assistant the critical distinction between the practice of medicine by a certified physician assistant and by a licensed physician and surgeon. Neb.Rev.Stat. §71-1,107.29. The legislature has set the boundaries of practice by a physician assistant: (1) Delegation of health care tasks must be consistent with the patient's health and welfare. Neb.Rev.Stat. §71-1,107.15(2). (2) Supervision must be sufficient to provide quality medical care. Neb.Rev.Stat. §71-1,107.16(5). If the legislature now delegates to private individuals the determination of when those conditions are met, it will be reenacting the case presented in Rowe v. Ray.

2. Would this provision restrict the Department of Health from promulgating rules and regulations on the supervision of physician assistants? We have concluded it would, as discussed below.

Under present law, the Board of Examiners in Medicine and Surgery, with the approval of the Department of Health, is authorized to adopt rules and regulations which will "assure that every physician assistant performs his or her services under the responsible supervision and control of a physician or group of physicians." Neb.Rev.Stat. §71-1,107.24. That board, with the concurrence of the department, certifies applicants who meet the statutory requirements. Neb.Rev.Stat. §§71-1,107.16(4) and 71-1,107.19(1). That board, with the concurrence of the department, approves physicians to supervise such certified physician assistants. Neb.Rev.Stat. §71-1,107.20(2).

Specific legislation relating to a particular subject takes precedence over general legislation on that subject when there is a conflict between them. See, Duerfeldt v. State Game and Parks Comn, 184 Neb. 242, 166 N.W.2d 737 (1969) and Hall v. Cox Cable, 212 Neb. 887, 327 N.W.2d 595 (1982). Thus, to the extent that the proposed amendment would authorize the supervising physician to determine questions of competency and supervision, there is an infringement of the exercise of those functions by the board with the approval or concurrence of the department.

Sincerely yours,
ROBERT M. SPIRE
Attorney General

(Signed) Marilyn B. Hutchinson
Assistant Attorney General

16-72-2

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

Opinion No. 88017

DATE: March 3, 1988

SUBJECT: Definition of "Person" in Neb.Rev.Stat. §25-21,186 (Reissue 1985)

REQUESTED BY: Senator Carol McBride Pirsch
Dictrict No. 10

WRITTEN BY: Robert M. Spire, Attorney General
Lisa D. Martin-Price, Assistant Attorney General

QUESTION: 1. Whether a "person" who renders emergency care pursuant to Neb.Rev.Stat. §25-21,186 (Reissue 1985) includes individuals only, or does the term also include organizations?

CONCLUSION: 1. Pursuant to Neb.Rev.Stat. §49-801 (Reissue 1984), the term "person" in this context includes organizations as well as individuals.

You have asked whether a "person" who renders care pursuant to Section 25-21,186 encompasses both individuals and organizations. Our reading of the pertinent statutes indicates that the term "person" in this statute does indeed include individuals as well as organizations.

Neb.Rev.Stat. §49-801 (Reissue 1984) defines words and phrases used in statutes. It provides in part:

> Unless the context is shown to intend otherwise, words and phrases in statutes of Nebraska hereafter enacted are used in the following sense: (16) Person includes bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies, and associations." (Emphasis added.)

After reviewing Section 25-21,186, we do not find that the context of the statute requires a different interpretation of the term "person" than the general definition provided in Section 49-801.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Lisa D. Martin-Price
Assistant Attorney General

18-02-4

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

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Higgins asked unanimous consent to have her name added as co-introducer to LB 463. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1157. Placed on Select File as amended.
E & R amendments to LB 1157:
AM5371

1. On page 4, line 19, strike both occurrences of "by" and show as stricken.

2. On page 5, line 24, strike "shall file" and insert "files".

3. On page 6, line 7, strike "shall pay" and insert "pays"; in line 16 strike "calendar"; and in line 25 strike "any" and insert "a".

4. On page 7, lines 3 and 4, strike the comma; in line 9 strike "The"; in line 10 strike "provisions of subdivisions" and insert "Subdivisions"; in line 11 strike the first "of this section" and "subdivision"; in line 14 after "under" insert "this"; in line 15 strike "(5) of this section"; and in line 21 strike the comma.

5. On page 8, line 2, strike the comma and show as stricken.

LEGISLATIVE BILL 1034. Placed on Select File.

LEGISLATIVE BILL 1146. Placed on Select File as amended.
E & R amendment to LB 1146:
AM5372

1. On page 1, line 5, strike "a provision" and insert "provisions"; and in line 7 strike "in bankruptcy;" and insert a semicolon.

LEGISLATIVE BILL 1169. Placed on Select File.

LEGISLATIVE BILL 1170. Placed on Select File as amended.
E & R amendments to LB 1170:
AM5373

1. On page 1, line 9, after the semicolon insert "to harmonize provisions;".

2. On page 4, line 16; and page 5, line 3, strike the comma and show as stricken.

3. On page 13, line 15, strike "must", show as stricken, and insert "shall".

4. On page 20, line 1, strike "the rule", show as stricken, and insert "rules and regulations" and after "adopted" insert "and promulgated".

5. On page 26, lines 23 to 24, strike "these funds or accounts", show the old matter as stricken, and insert "such accounts or fund".

6. On page 27, line 17, strike "these funds or accounts", show the old matter as stricken, and insert "such account or fund".

LEGISLATIVE BILL 165. Placed on Select File as amended.
E & R amendments to LB 165:
AM5370

1. On page 2, line 18, after "when" insert "(a)"; in line 19 after the comma insert "(b)"; in line 21 after "or" insert "(c)"; and in line 25 strike "43-661 to".

2. On page 3, line 1, strike "43-668" and insert "79-3349 to 79-3354"; and in line 6 after "The" insert "State".

LEGISLATIVE BILL 1077. Placed on Select File.
LEGISLATIVE BILL 970. Placed on Select File.

LEGISLATIVE BILL 1073. Placed on Select File as amended.
E & R amendments to LB 1073:

AM5369

1. In the Standing Committee amendments, AM1846, adopted March 1, 1988, on page 1, line 8, after "statute" insert ", rule,"; and in line 11 after "per" insert "one".

2. On page 1, line 4, after the semicolon insert "to define terms; to require a report;".

3. On page 3, line 24, after "accordingly" insert an underscored period.

LEGISLATIVE BILL 1093. Placed on Select File as amended.
E & R amendment to LB 1093:
AM5365

1. On page 3, line 1, strike "this act", show as stricken, and insert "the Motor Vehicle Operator's License Act".

LEGISLATIVE BILL 1114. Placed on Select File.

LEGISLATIVE BILL 948. Placed on Select File as amended.
E & R amendment to LB 948:
AM5374

1. On page 2, line 15, strike the comma and show as stricken; and in line 17 strike the second comma and show as stricken.

LEGISLATIVE BILL 1078. Placed on Select File.

LEGISLATIVE BILL 1136. Placed on Select File as amended.
E & R amendments to LB 1136:
AM5375

1. On page 3, line 22, strike the comma.

2. On page 4, strike beginning with "the" in line 4 through "49-1446" in line 5, show as stricken, and insert "section 49-1445 or this section".

3. On page 5, line 12, strike "(3)".

4. On page 10, lines 12 and 21, after "trade" insert an underscored comma; and in lines 17 and 18 strike the comma.

LEGISLATIVE BILL 969. Placed on Select File.
LEGISLATIVE BILL 826. Placed on Select File.
LEGISLATIVE BILL 912. Placed on Select File.

LEGISLATIVE BILL 1130. Placed on Select File as amended.
E & R amendments to LB 1130:
AM5376

1. On page 1, line 1, strike "section 48-1229" and insert "sections 48-1229 and 48-1230"; in line 4 after the semicolon insert "to provide for the payment of wages upon separation of certain employees from a payroll;"; and in line 5 strike "section" and insert "sections".

2. On page 2, line 8, strike "the", show as stricken, and insert "or".

LEGISLATIVE BILL 1220. Placed on Select File as amended.
E & R amendments to LB 1220:
AM5380

1. In the Standing Committee amendments, AM1992, on page 1, line 13, strike the comma; and in line 16 strike "(iii)".

2. On page 10, line 12, insert paragraphing before "(i)"; and in line 15 strike "the", show as stricken, and insert "The".

3. On page 11, line 13, insert paragraphing before "The".

4. On page 17, line 11, strike the comma.

5. On page 21, lines 16 and 25; and page 24, line 23, strike "(i)", show as stricken, and insert "(a)".

6. On page 21, line 18; page 22, line 5; and page 25, line 1, strike "(ii)", show as stricken, and insert "(b)".

7. On page 25, line 7, strike "(iii)", show as stricken, and insert "(c)"; and in line 13 strike "(iv)", show as stricken, and insert "(d)".

LEGISLATIVE BILL 977. Placed on Select File.

LEGISLATIVE BILL 1174. Placed on Select File as amended.
E & R amendments to LB 1174:
AM5377

1. On page 3, line 14, strike the comma and show as stricken and after the second "or" insert "any".

2. On page 4, line 3, after the first comma insert "or" and strike the second comma and show as stricken.

LEGISLATIVE BILL 973. Placed on Select File.
LEGISLATIVE BILL 1103. Placed on Select File.
LEGISLATIVE BILL 1103A. Placed on Select File.

LEGISLATIVE BILL 1142. Placed on Select File as amended.
E & R amendments to LB 1142:
AM5384

1. On page 1, line 9, strike "buses" and insert "vehicles".

2. On page 3, line 11, strike "shall be", show as stricken, and insert "is".

3. On page 6, line 24, reinstate the stricken comma.

4. On page 7, line 2, strike the comma and show as stricken.

5. On page 10, line 9, after "The" insert "school".

6. On page 10, line 11; page 15, lines 13 to 14; and page 17, line 8, strike ", in that name and style," and show the old matter as stricken.

7. On page 16, lines 18 and 19, strike the comma and show as stricken.

8. On page 15, line 4, strike "primary" and show as stricken and after "city" insert "of the primary class".

9. On page 17, line 1, strike "metropolitan" and show as stricken and after "city" insert "of the metropolitan class".

10. On page 20, lines 4 and 5, after "years" insert "of".

11. On page 23, line 4, before "provide" insert "shall"; and in line 6 after the first "and" insert "shall".

12. On page 27, line 9, strike "name" and insert "names"; and in line 18 after "federation" insert an underscored comma.

LEGISLATIVE BILL 1193. Placed on Select File.

LEGISLATIVE BILL 1197. Placed on Select File as amended.
E & R amendments to LB 1197:
AM5378

1. On page 1, line 3, strike "a term" and

insert "terms".

2. On page 2, line 15, after "grades" insert "other than kindergarten".

LEGISLATIVE BILL 1038. Placed on Select File.

LEGISLATIVE BILL 1106. Placed on Select File as amended.
E & R amendment to LB 1106:
AM5379

1. On page 1, line 1, after the first "to" insert "the".

LEGISLATIVE BILL 1159. Placed on Select File.

LEGISLATIVE BILL 897. Placed on Select File as amended.
E & R amendments to LB 897:
AM5381

1. On page 1, line 2, after "and" insert "identification"; and in line 3 after "provide" insert "for the" and after "revocation" insert "of a license".

2. On page 2, line 17, strike "such".

LEGISLATIVE BILL 903. Placed on Select File.

LEGISLATIVE BILL 901. Placed on Select File as amended.
E & R amendments to LB 901:
AM5385

1. On page 2, line 24, strike the last comma and show as stricken.

2. On page 3, line 19, reinstate the stricken "act"; in line 20 strike the new matter; and in line 24 strike "or" and show as stricken.

3. On page 4, line 1, after "but" insert "the act"; and in line 24 strike "the same", show as stricken, and insert "such product".

4. On page 5, line 6, strike both commas and show as stricken; lines 9 and 15 to 16 after the stricken "this" insert "the", reinstate the stricken "act", and strike the new matter; and in line 20 after "or" insert "who".

5. On page 6, line 24, strike "therein", show as stricken, and insert "in such place".

6. On page 7, line 2, after "corporation"

insert "which is"; in line 5 after the first comma insert "which is"; in line 7 strike "owning, hiring, or leasing", show as stricken, and insert "which owns, hires, or leases"; in line 11 strike the comma and show as stricken; in lines 17 to 18 after the stricken "this" insert "the", reinstate the stricken "act", and strike the new matter; and in line 19 strike the comma and show as stricken.

7. On page 10, lines 14 and 16, strike "whereby", show as stricken, and insert "by which"; in line 15 after "sell" insert "the franchisor's"; and in line 16 strike "thereof" and show as stricken.

8. On page 11, line 19, strike "therein" and show as stricken.

LEGISLATIVE BILL 909. Placed on Select File as amended.
E & R amendments to LB 909:
AM5366

1. On page 2, line 9, strike "is to", show as stricken, and insert "shall"; in line 13 strike "runs", show as stricken, and insert "shall run"; and in line 14 reinstate the stricken "be", before the reinstated matter insert "will", and strike the new matter.

2. On page 4, line 20, strike "shall", show as stricken, and insert "will".

LEGISLATIVE BILL 929. Placed on Select File.

LEGISLATIVE BILL 1126. Placed on Select File as amended.
E & R amendment to LB 1126:
AM5382

1. On page 3, line 12, after "from" insert "the".

LEGISLATIVE BILL 817. Placed on Select File as amended.
E & R amendment to LB 817:
AM5383

1. On page 1, line 5, after the semicolon insert "to provide an additional duty for such board;".

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 1091. Placed on General File as amended.
Standing Committee amendment to LB 1091:
AM2351

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby created the Railroad Personal Property Tax Fund and the Carline Personal Property Tax Fund to be administered by the Tax Commissioner. Any money in the funds available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269 and any income shall be credited to the respective fund. Any balance in either fund on June 30, 1989, shall lapse to the General Fund.

Sec. 2. (1) The county treasurer of each county shall, on or before May 1, 1988, certify to the Tax Commissioner for each taxing subdivision in his or her county (a)(i) the amount of loss for budget year 1987-88 of railroad personal property valuation, as determined under section 77-604, in the subdivision and within the county due to any lawsuit challenging current laws on the taxation of such property and (ii) the amount of loss for budget year 1987-88 of railroad carline personal property valuation in the subdivision and within the county due to any lawsuit challenging current laws on the taxation of such property and (b) the levy of the taxing subdivision for the budget year 1987-88.

(2)(a) Of the amount appropriated for fiscal year 1988-89 for reimbursement of the loss of railroad personal property tax revenue to the Railroad Personal Property Tax Fund, the Tax Commissioner shall distribute to the county treasurers as provided in subsection (3) of this section (i) on July 1, 1988, four million five hundred thousand dollars and (ii) on December 1, 1988, the remainder of the money so appropriated.

(b) On January 1, 1989, the Tax Commissioner shall distribute from the Carline Personal Property Tax Fund to the county treasurers as provided in subsection (3) of this section the money appropriated for fiscal year 1988-89 to such fund for reimbursement of the loss of railroad carline personal property tax revenue.

(3) The Tax Commissioner shall make the distribution to the county treasurer in amounts which are proportionate to the amounts lost by all taxing subdivisions in the county as compared to all taxing subdivisions in the state. The county treasurer shall distribute to each of the taxing subdivisions within his or her county the amount provided for the subdivision by the Tax Commissioner. If any of the lawsuits pending on the effective date of this act challenging the taxation of railroad and carline property are resolved or settled prior to the distribution of funds by the Tax Commissioner so that such taxation is retained in whole or in part, the Tax Commissioner and the county treasurer shall adjust the payments to the extent to which the funds have not already been distributed in order to make the distribution consistent with the amount of tax revenue actually lost by the subdivision for both types of railroad property for budget year 1987-88.

Sec. 3. If any of the lawsuits pending as of the effective date of this act challenging the taxation of railroad and carline property are resolved or settled so that such taxation is retained in whole or in part, then state aid to any taxing subdivision which has received from the state any funds to reimburse the subdivision for the loss of taxes from such property shall be reduced for the first fiscal year following resolution of the lawsuit. The reduction shall be in an amount equal to that certified by the Tax Commissioner to the State Treasurer as being the amount received by the subdivision as reimbursement for losses of taxes which the resolution or settlement of the lawsuit later upheld. The State Treasurer is hereby directed to so reduce from the amount appropriated for state aid for that fiscal year the aid to those subdivisions.

Sec. 4. That section 84-612, Revised Statutes Supplement, 1987, be amended to read as follows:

84-612. (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 subsections (2), (4), ~~and~~ (5), and (6) 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 subsection (2) of this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(4) On September 15, 1985, the State Treasurer shall transfer eight million five hundred thousand dollars from the Cash Reserve Fund to the General Fund to pay Tort Claim Number 4-302. Such transfer shall be reversed after July 1, 1989, but before September 1, 1989.

(5) For the period July 1, 1985, to June 30, 1986, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed after July 1, 1989, but before September 1, 1989.

(6) On June 15, 1988, the State Treasurer shall transfer nine million dollars from the Cash Reserve Fund to the Railroad Personal Property Tax Fund and two million two hundred thousand dollars from the Cash Reserve Fund to the Carline Personal Property Tax Fund.

Sec. 5. Sections 1 and 2 of this act shall terminate on July 1, 1989.

Sec. 6. That original section 84-612, Revised Statutes Supplement, 1987, is repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Jerome Warner, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 303. Read. Considered.

LR 303 was adopted with 23 ayes, 0 nays, and 26 not voting.

GENERAL FILE

LEGISLATIVE BILL 90. Mr. Chambers withdrew his pending motion found in the Journal on page 595 to reconsider the vote on the adoption of the Standing Committee amendments.

Mr. Hall offered the following amendment:

The defense attorney shall have an opportunity to rebut the showing of compelling need produced by the prosecuting attorney by making application to the Court for a court appointed independent examination by a professional psychiatrist or psychologist. Such examination shall be conducted in the child's county of residence.

Mrs. Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Hall withdrew his pending amendment.

Ms. Scofield withdrew her pending amendment, AM1807, found in the Journal on page 1166.

Ms. Scofield offered the following amendment:

The Court may order an independent examination by a psychologist or psychiatrist if the defense attorney requests the opportunity to rebut the showing of compelling need produced by the prosecuting attorney. Such examination shall be conducted in the child's county of residence.

The Scofield amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Hall offered the following amendment:

On page 3, line 20, strike "ordinarily".

Mrs. Langford 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. Hall moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Chambers	Hall	Korshoj	Lynch	Schmit
Conway	Johanns	Labedz	McFarland	Weihing
Goodrich	Johnson, V.			

Voting in the negative, 29:

Abboud	Beyer	Johnson, L.	Moore	Schellpeper
Ashford	Chizek	Lamb	Nelson	Scofield
Baack	Coordsen	Landis	Peterson	Smith
Barrett	Dierks	Langford	Pirsch	Warner
Bernard-Stevens	Hannibal	Marsh	Remmers	Wehrbein
	Higgins	Miller	Rogers	Wesely

Present and not voting, 5:

Campbell	Elmer	Hartnett	Johnson, R.	Withem

Absent and not voting, 1:

Morehead

Excused and not voting, 2:

Haberman Hefner

The Hall amendment lost with 12 ayes, 29 nays, 5 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Hall offered the following amendment:
On page 3, line 16, after "prosecuting" insert "or defense"

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 32:

Baack Barrett

Bernard-Stevens	Elmer	Johnson, V.	Marsh	Schellpeper
Beyer	Goodrich	Korshoj	McFarland	Schmit
Chambers	Hall	Labedz	Miller	Scofield
Chizek	Hartnett	Lamb	Moore	Wehrbein
Conway	Johanns	Landis	Remmers	Weihing
Dierks	Johnson, R.	Lynch	Rogers	Withem

Voting in the negative, 8:

Abboud	Coordsen	Langford	Warner	Wesely
Ashford	Johnson, L.	Pirsch		

Present and not voting, 7:

Campbell	Higgins	Nelson	Peterson	Smith
Hannibal	Morehead			

Excused and not voting, 2:

Haberman Hefner

The Hall amendment was adopted with 32 ayes, 8 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Ms. Scofield moved to suspend the rules, Rule 6, Section 3 and Rule 7, Section 3 and vote on advancement of LB 90 without further amendment or debate.

Mr. Coordsen 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 26 ayes, 6 nays, and 17 not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Scofield motion to suspend the rules prevailed with 30 ayes, 5 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Hall requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Abboud	Chizek	Johnson, L.	Moore	Smith
Ashford	Conway	Johnson, R.	Peterson	Warner
Baack	Dierks	Landis	Pirsch	Wehrbein
Barrett	Elmer	Langford	Remmers	Weihing
Bernard-Stevens	Goodrich	Lynch	Rogers	Wesely
	Hannibal	Marsh	Schellpeper	Withem
Beyer	Higgins	Miller	Scofield	

Voting in the negative, 6:

Chambers	Johnson, V.	Korshoj	McFarland	Nelson
Hall				

Present and not voting, 5:

Campbell	Hartnett	Johanns	Lamb	Morehead

Excused and not voting, 5:

Coordsen	Haberman	Hefner	Labedz	Schmit

Advanced to E & R for Review with 33 ayes, 6 nays, 5 present and not voting, and 5 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 304. Introduced by Abboud, 12th District.

WHEREAS, the hobby of collecting, preserving, restoring, and maintaining motor vehicles of historical and special interest is a constructive leisure pursuit; and

WHEREAS, there are a large number of Nebraska citizens who engage in this hobby which contributes to the enjoyment and to the preservation of the state's automotive memorabilia; and

WHEREAS, there are many vehicle-related activities such as car shows, swap meets, interclub meets, concours, and tours which

feature historical and special interest vehicles, and such activities are often the focal point of healthful, outdoor, family-type recreation and are often used for nonprofit charitable causes; and

WHEREAS, there are many Nebraska citizens who could gain pleasure and knowledge from a greater involvement in vehicle memorabilia and vehicle-related activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the period of June 11 through June 19, 1988, be designated as the Nebraska Historical and Special Interest Automobile Recognition Week.

2. That a copy of this resolution be delivered to the author for appropriate distribution.

Laid over.

LEGISLATIVE RESOLUTION 305. Introduced by Marsh, 29th District; Smith, 33rd District.

WHEREAS, Luella Holthaus of Hastings, Nebraska, was fatally stricken while driving; and

WHEREAS, Mrs. Holthaus pulled her car to the curb exhibiting extraordinary safety consciousness; and

WHEREAS, Mrs. Holthaus's dying actions manifested her desire to save others from injury.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That this Legislature recognize and commend the outstanding regard for safety of others that was shown by Luella L. Holthaus and honor her memory for such concern.

2. That a copy of this resolution be sent to her son, Mr. Roger R. Holthaus, Omaha, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 306. Introduced by Marsh, 29th District.

WHEREAS, the custodial personnel of the State Capitol provide a vital service to the Legislature; and

WHEREAS, the Legislature relies on the efficiency and integrity of the custodial personnel of the State Capitol; and

WHEREAS, the custodial personnel of the State Capitol have dutifully performed their jobs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the custodial personnel of the State Capitol be recognized for their contributions to the smooth operation of the Legislature.

2. That a copy of this resolution be sent to the custodial personnel of the State Capitol.

Laid over.

LEGISLATIVE RESOLUTION 307. Introduced by Marsh, 29th District.

WHEREAS, Robert G. Fuller, professor of physics and astronomy at the University of Nebraska at Lincoln, was recognized as one of the top ten college professors in the nation by Insight, the Washington Times News Magazine in 1987; and

WHEREAS, Professor Fuller was also among six college professors chosen for special recognition by the American Association for Higher Education and the Carnegie Foundation for the Advancement of Teaching in 1986; and

WHEREAS, the American Association of Physics Teachers awarded Professor Fuller its Distinguished Service Citation in 1985; and

WHEREAS, he has been chosen to initiate the first-of-its-kind center for physics instructional materials in the nation at the University of Nebraska at Lincoln, which will provide information about computer software, videodiscs, and other materials to physics teachers throughout the United States; and

WHEREAS, during his nineteen-year career at the university, Dr. Fuller led the nation in the integration of computers into physics instruction and was a leader in the development of interactive educational videodiscs for the teaching of physics; and

WHEREAS, Dr. Fuller deserves special recognition for his exemplary record of achievement relating to his research on the teaching of physics, his mastery of electronic instructional materials, and the superb instruction he has provided to students attending the University of Nebraska at Lincoln throughout his career.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Professor Robert G. Fuller who has, through teaching, research, and service to his fellow educators, substantially enriched the common body of knowledge on physics instruction and brought national recognition to the University of Nebraska at Lincoln and the State of Nebraska.

2. That a copy of this resolution be sent to Professor Fuller in appreciation for his outstanding contributions.

3. That a copy of this resolution be sent to the Board of Regents of the University of Nebraska.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 229. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LR 248. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 987. Placed on Select File as amended.
E & R amendments to LB 987:
AM5386

1. In the Conway amendment, AM2322, adopted March 2, 1988, on page 1, line 2, strike "The" and insert "A"; and in line 12 strike "the" and insert "a".

2. On page 1, line 10, after "instruments" insert "and for harassment, frivolous actions, and other improper conduct as prescribed".

3. On page 4, lines 18 to 19, strike ", and for" and insert ". For".

4. On page 9, strike beginning with "On" in line 20 through "money" in line 21, show as stricken, and insert "Money".

LEGISLATIVE BILL 987A. Placed on Select File.
LEGISLATIVE BILL 890. Placed on Select File.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. V. Johnson and Wesely asked unanimous consent to print the following amendment to LB 294 in the Journal. No objections. So ordered.

AM2378

1. Insert the following new sections:

"Section 1. That section 77-2716.01, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2716.01. (1) Every individual shall be allowed to subtract from federal adjusted gross income an amount for personal exemptions. For tax year 1987, the amount allowed to be subtracted shall be one thousand one hundred dollars multiplied by the number of exemptions allowed on the federal return. For tax years commencing or deemed to begin on or after January 1, 1988, the amount allowed to be subtracted shall be one thousand one hundred thirty dollars multiplied by the number of exemptions allowed on the federal return.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction. ~~The amount of the standard deduction shall depend upon~~ equal to the federal standard deduction for the filing status used on the federal return. ~~For tax year 1987, individuals who file as single or head of household shall be allowed two thousand five hundred thirty dollars, married filing jointly shall be allowed three thousand seven hundred forty dollars, and married filing separately shall be allowed one thousand eight hundred seventy dollars. For tax years commencing or deemed to begin on or after January 1, 1988, individuals who file as single or head of household shall be allowed two thousand five hundred fifty dollars, married filing jointly shall be allowed three thousand seven hundred eighty dollars, and married filing separately shall be allowed one thousand eight hundred ninety dollars.~~

(3) Every individual who itemized on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or all of his or her federal itemized

deductions, except for the amount deducted on the federal return for state or local income taxes paid.

Sec. 2. This act shall become operative for all tax years beginning or deemed to begin on or after January 1, 1988.

Sec. 3. That original section 77-2716.01, Revised Statutes Supplement, 1987, is repealed.".

2. Renumber the remaining sections accordingly.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 294 in the Journal. No objections. So ordered.

AM2366

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 77-2734.05, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2734.05. (1) Except as provided in subsection (1) of section 77-4105, unitary business having income from business activity that is taxable both within and without this state shall, for taxable years beginning or deemed to begin ~~before~~ on or after January 1, ~~1988~~ 1989, determine its taxable income by multiplying its federal taxable income, as adjusted, by a fraction, the numerator of which is the property factor plus the payroll factor plus two times the sales factor and the denominator of which is four. ~~which is the average of the property factor plus the payroll factor plus the sales factor. For taxable years beginning or deemed to begin on or after January 1, 1988, the weight given to the property and payroll factors in the average shall be reduced and the fraction shall be determined as provided in section 77-2734.16. For taxable years beginning or deemed to begin on or after January 1, 1992, federal taxable income, as adjusted, shall be multiplied by the sales factor only.~~

(2) If a unitary business does not have any property, payroll, or sales anywhere, then the average in subsection (1) of this section shall be the average of the remaining factors.

(3) In the computation of the factors only the

part of a unitary group that is subject to the Internal Revenue Code shall be included, except as provided in section 77-2734.09.

Sec. 2. That original section 77-2734.05, Revised Statutes Supplement, 1987, and also section 77-2734.16, Revised Statutes Supplement, 1987, are repealed.".

Mr. Withem asked unanimous consent to print the following amendment to LB 1116 in the Journal. No objections. So ordered.

AM2360

1. In the Standing Committee amendments, AM2063:

a. On page 1, strike beginning with the semicolon in line 2 through the second quotation marks in line 4; and strike beginning with "after" in line 12 through "and" in line 14; and

b. On page 2, strike beginning with "in" in line 8 through the semicolon in line 9 and insert "and"; and strike beginning with the semicolon in line 14 through the second quotation marks in line 15.

2. On page 3, line 21, strike "accredited" and insert "students in any" and after "private" insert "parochial or denominational" and after the second "school" insert "which elects to participate in the state student assessment".

3. On page 4, line 6, after "and" insert "results"; strike beginning with "progress" in line 9 through the first "of" in line 10 and insert "results of the student assessment required by subsection (1) of this section and information reported to the department pursuant to subsection (2) of section 3 of this act and data or information on"; in line 11 after "Nebraska" insert "public"; and in line 16 strike "A" and insert "The".

4. On page 5, line 22, strike "districts" and insert "district".

5. Insert the following new section:

"Sec. 4. The student competency assessment and achievement testing requirements of subsection (1) of section 2 of this act and subsection (1) of section 3 of this act shall apply to students identified and verified as handicapped pursuant to Chapter 79, article

33, only if such testing is deemed educationally appropriate by local school officials.".

5. On page 8, line 6, strike "4 and 5" and insert "5 and 6".

6. Renumber remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 90 in the Journal. No objections. So ordered.

AM1800

1. Insert the following new section:

"Sec. 4. (1) After the initial investigatory contact by authorities at the scene of circumstances giving rise to an investigation of a sexual offense punishable as a felony, any interview of a child as defined in section 3 of this act by any law enforcement personnel, the prosecuting attorney, or any other person assisting in the prosecution in the attempt to develop further the child's memory regarding any testimony for trial shall be voicetaped.

(2) If such voicetaping requirements have not been substantially complied with, the child's testimony otherwise allowed by section 3 of this act shall not be admissible at the trial.".

2. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 1105A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 7CA. E & R amendments, AM5348, found in the Journal on page 1077 for the Thirty-Fifth Day were adopted.

Messrs. Barrett and Dierks offered the following amendment:
AM2400

1. Strike the V. Johnson and Chambers amendment on page 1043 of the Journal adopted February 26, 1988.

2. Strike E & R amendment 1.
3. On page 1, line 5, strike "general" and insert "primary"; and in line 6 strike "November" and insert "May".
4. On page 3, line 2, after "the" insert "limitation on the".

MR. LAMB PRESIDING

Mr. Wehrbein 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 Barrett-Dierks amendment was adopted with 41 ayes, 1 nay, 3 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment:

1. On page 2 in line 10, strike the second "of" and all language in lines 11 and 12 through the word "office.", and insert: "to be determined by the electors in his or her legislative district. The 91st Legislature, First Session shall establish by law, procedures to implement this salary provision. Until such implementation, the salary of each member shall be $1,000 per month during the term of his or her office."

2. Provide for placing on the primary ballot in May 1988.

PRESIDENT NICHOL PRESIDING

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 2:

Ashford	Chambers

Voting in the negative, 32:

Abboud	Chizek	Johnson, L.	Marsh	Smith
Baack	Conway	Johnson, R.	Morehead	Warner
Barrett	Dierks	Korshoj	Nelson	Wehrbein
Bernard-Stevens	Goodrich	Labedz	Remmers	Weihing
Beyer	Hall	Lamb	Rogers	Wesely
Campbell	Hannibal	Landis	Schellpeper	Withem
	Hartnett	Langford		

Present and not voting, 12:

Coordsen	Johanns	McFarland	Moore	Pirsch
Elmer	Johnson, V.	Miller	Peterson	Scofield
Higgins	Lynch			

Excused and not voting, 3:

Haberman	Hefner	Schmit

The Chambers amendment lost with 2 ayes, 32 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 41:

Ashford	Coordsen	Johnson, L.	Marsh	Schellpeper
Baack	Dierks	Johnson, R.	Miller	Scofield
Barrett	Elmer	Korshoj	Moore	Smith
Bernard-Stevens	Goodrich	Labedz	Morehead	Warner
	Hall	Lamb	Nelson	Wehrbein
Beyer	Hannibal	Landis	Pirsch	Weihing
Campbell	Hartnett	Langford	Remmers	Wesely
Chizek	Higgins	Lynch	Rogers	Withem
Conway	Johanns			

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Abboud	Johnson, V.	McFarland	Peterson

Excused and not voting, 3:

Haberman	Hefner	Schmit

Advanced to E & R for Engrossment with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 90 in the Journal. No objections. So ordered.

Page 3, line 20, strike the word "ordinarily"

Mr. Lamb asked unanimous consent to print the following amendment to LB 1100 in the Journal. No objections. So ordered.

AM2404

1. Insert the following new section:

"Sec. 118. That Laws 1987, LB 390, section 26, be amended to read as follows:

Sec. 26. Sections 23 and 24 of this act shall become operative on ~~July 1, 1988~~ March 1, 1989. The remaining sections of this act shall become operative on their effective date.".

2. On page 175, line 21 strike "and".

3. On page 176, line 1, after the second comma insert "and Laws 1987, LB 390, section 26,".

RESOLUTION

LEGISLATIVE RESOLUTION 308. Introduced by Wehrbein, 2nd District.

WHEREAS, the administrators of the Syracuse-Dunbar-Avoca School District, including Gene Watermeier, President of the Board of Education and Edwin H. Johnson, Superintendent of Schools, are committed to actively promoting and nurturing a full and comprehensive music program for all students; and

WHEREAS, Roger Witt, Principal of Syracuse-Dunbar-Avoca School, has been supportive of his school's education program and has encouraged his staff and Ruth Neeman, director of music education, to devote their time and energy to developing the talents of their students; and

WHEREAS, the Eighth Grade Chorus of the Syracuse-Dunbar-Avoca School, comprised of students of the highest musical and academic caliber, will be performing on March 8, 1988, at the State Capitol rotunda in Lincoln, in celebration of "Music In Our Schools Month"; and

WHEREAS, the Nebraska Music Educators Association, with Dr. James R. Saker, President, sponsors "Music In Our Schools Month"

to draw attention to the role of music as a part of the total education process; and

WHEREAS, talent, hard work, and hours of practice have made the Eighth Grade Chorus of Syracuse-Dunbar-Avoca School the outstanding musical ensemble they are today; and

WHEREAS, the members work hard at their music with rehearsals, classwork assignments, and nightly practice, realizing that the amount of time and energy they are willing to expend directly affects the quality of their music; and

WHEREAS, the Eighth Grade Chorus members and their parents can be extremely proud of their music achievements and their participation in "Music In Our Schools Month".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature pause in its deliberations to commend the Eighth Grade Chorus of Syracuse-Dunbar-Avoca School and the staff members of the musical education program for their dedication to musical excellence and their participation in "Music In Our Schools Month".

2. That the Legislature extends a warm welcome to the teachers and students of Syracuse-Dunbar-Avoca School as they visit Lincoln for their performance at the State Capitol rotunda.

3. That a copy of this resolution, suitably engrossed, be transmitted to Roger Witt, Principal, Syracuse-Dunbar-Avoca School.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1221A. Introduced by L. Johnson, 15th District; Wehrbein, 2nd District; Lynch, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1221, Ninetieth Legislature, Second Session, 1988.

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 933 in the Journal. No objections. So ordered.

AM2408

1. On page 7, after line 5, insert "There shall be no fee for the filing of a termination statement or equivalent document.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 657, 664, 664A, 836, 836A, and 934.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 657

The following changes, required to be reported for publication in the Journal, have been made:
ER0271

1. On page 1, line 5, "and actions" has been inserted after "interests".

Enrollment and Review Change to LB 934

The following changes, required to be reported for publication in the Journal, have been made:
ER0265

1. On page 2, line 24, ", or cause it to be removed," has been inserted after "refuse".
2. On page 3, line 4, ", or causes it to be removed," has been inserted after "refuse".

(Signed) Mary E. Sommermeyer
E & R Attorney

BILL ON FIRST READING

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

LEGISLATIVE BILL 1238. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 9-343 and 9-344, Revised Statutes Supplement, 1986, and sections 77-2602, 77-2608, and 77-2716.01, Revised Statutes Supplement, 1987; to require monthly reports by pickle card distributors as prescribed; to change the tax rate paid by pickle card distributors and the rate of the cigarette tax; to change a provision relating to cigarette stamp discounts as prescribed; to change the amount of the standard deduction as prescribed; to provide operative dates; to repeal the original sections; and to declare an emergency.

UNANIMOUS CONSENT - Expedite LR 7CA

Mr. Barrett asked unanimous consent to expedite LR 7CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were 25 seniors and teacher from Crete High School; 20 students and sponsor from Southeast Community College, Lincoln; Geneva Kitching and Dorothy Simons from Lincoln; and 30 members of the Shelter Foundation from across the United States.

RECESS

At 11:55 a.m., on a motion by Mr. Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hefner who was excused; and Messrs. Abboud, Haberman, Hartnett, V. Johnson, Landis, Lynch, Miller, Peterson, Rogers, and Mrs. Higgins who were excused until they arrive.

NOTICE OF COMMITTEE HEARING
Appropriations and Education

Tuesday, March 22, 1988 12:30 p.m.
Program Review of Coordinating Commission for Postsecondary Education

(Signed) Ron Withem, Chairperson
Education Committee

(Signed) Jerome Warner, Chairperson
Appropriations Committee

SELECT FILE

LEGISLATIVE BILL 939. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 1010. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 672. E & R amendment, AM5354, found in the Journal on page 1132 for the Thirty-Seventh Day was adopted.

Mr. Chambers withdrew his pending amendment, AM2304, found in the Journal on page 1137.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 821. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 961. E & R amendments, AM5355, found in the Journal on page 1141 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1051. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1045. E & R amendments, AM5361, found in the Journal on page 1152 for the Thirty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1046. E & R amendment, AM5356, found in the Journal on page 1153 for the Thirty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 834. E & R amendment, AM5357, found in the Journal on page 1153 for the Thirty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 842. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1064. E & R amendments, AM5367, found in the Journal on page 1153 for the Thirty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 933. E & R amendments, AM5358, found in the Journal on page 1153 for the Thirty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 984. E & R amendment, AM5359, found in the Journal on page 1154 for the Thirty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 819. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 863. E & R amendment, AM5362, found in the Journal on page 1154 for the Thirty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 863A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1033. E & R amendments, AM5360, found in the Journal on page 1154 for the Thirty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 958. Mr. Coordsen withdrew his pending amendment, AM2307, found in the Journal on page 1114.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1013. E & R amendments, AM5364, found in the Journal on page 1156 for the Thirty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1013A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1054. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 88. Mr. Wesely withdrew his pending motion found in the Journal on page 1176 to indefinitely postpone.

Mr. McFarland asked unanimous consent to replace his pending amendment, AM1953, found in the Journal on page 906, with a substitute amendment. No objections. So ordered.

Mr. McFarland withdrew his pending amendment, AM1953, found in the Journal on page 906.

Mr. McFarland offered the following substitute amendment:
AM2364

1. On page 9, line 11, after the period insert "No physician, health care facility, or other health care provider and no health care service plan, health maintenance organization, insurance company, self-insured employee welfare benefit plan, nonprofit hospital plan, or state, local, county, or federal government-sponsored or operated program shall charge a higher or lower rate or fee for signers of declarations under the Rights of the Terminally Ill Act as opposed to nonsigners.".

The McFarland amendment was adopted with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

Mr. McFarland renewed his pending amendment, AM1883, found in the Journal on page 906.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The McFarland amendment lost with 7 ayes, 16 nays, 22 present and not voting, and 4 excused and not voting.

Mrs. Labedz renewed her pending amendment, AM1858, found in the Journal on page 921.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Labedz amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Hall renewed his pending amendment, AM1951, found in the Journal on page 923.

SPEAKER BARRETT PRESIDING

The Hall amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Hall renewed his pending amendment, AM1884, found in the Journal on page 923.

Mr. Hall withdrew his pending amendment.

Mr. Hall asked unanimous consent to replace his pending amendment, AM1968, found in the Journal on page 924, with a substitute amendment. No objections. So ordered.

Mr. Hall withdrew his pending amendment, AM1968, found in the Journal on page 924.

Mr. Hall offered the following substitute amendment:
AM2203

1. Insert the following new section:

"Sec. 5. A declaration shall be effective for a period of five years from the date of its execution unless the declaration is sooner revoked in the manner prescribed in section 6 of this act. Nothing in the Rights of the Terminally Ill Act shall be construed to prevent a declarant from executing a declaration at any time in accordance with the formalities prescribed in section 4 of this act, including reexecution subsequent to diagnosis of a terminal condition. If the declarant has executed more than one declaration, the five-year period shall be determined from the date of execution of the last unrevoked declaration known to the attending physician. If the declarant becomes comatose or is rendered incapable of communicating with the attending physician, the declaration shall remain in effect for

the duration of the comatose condition or until such time as the declarant's condition renders him or her able to communicate with the attending physician.".

2. On page 7, line 5; and page 12, line 8, strike "9" and insert "10".

3. On page 12, line 12, strike "6" and insert "7"; and in line 22 strike "5" and insert "6".

4. Renumber the remaining sections accordingly.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 375.

Correctly Engrossed

The following bills were correctly engrossed: 823, 963A, 980A, and 1105.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 1100A in the Journal. No objections. So ordered.

AM2416

1. Insert the following new section:

"Sec. 2. There is hereby appropriated $3,440 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Department of Health, for Program 178, to aid in carrying out the provisions of Legislative Bill 1100, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mr. Schmit asked unanimous consent to print the following amendment to LB 953 in the Journal. No objections. So ordered.

AM2411

1. Strike original section 1 and insert the following new section:

"Section 1. If it is determined that an instream appropriation has not been put to beneficial use for more than three consecutive years as a result of water quality conditions, the Director of Water Resources may cancel such appropriation, unless the director finds that there has been sufficient cause for such nonuse. Sufficient cause for nonuse shall be deemed to exist if such water quality conditions are not permanent and are likely to diminish within a reasonable period but no greater than three years. The director shall not adjudicate any instream appropriation more than once in any three-year period.".

2. On page 5, strike line 7 and insert "appropriations may be canceled after notice and hearing as provided in sections 46-229 to"; and strike beginning with "and" in line 10 through line 11 and insert "is".

Mrs. Morehead, Messrs. Hannibal, and Miller asked unanimous consent to print the following amendment to LB 1100 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2394.)

BILL ON FIRST READING

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

LEGISLATIVE BILL 1091A. Introduced by Scofield, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1091, Ninetieth Legislature, Second Session, 1988; and to declare an emergency.

ATTORNEY GENERAL'S OPINION

Opinion No. 88018

DATE: March 7, 1988

SUBJECT: Constitutionality of the Ten Cent Fee Imposed Upon Each Acre of Agricultural Land Under the Provisions of LB 911; Excise Taxes

REQUESTED BY: Senator W. Owen Elmer,
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Dale A. Comer, Assistant Attorney General

By letter dated February 5, 1988, you requested our opinion concerning several questions involving the constitutionality of LB 911. Subsequent conversations with you indicated that your primary question concerned the constitutionality of that portion of LB 911 which provides for the levy of a noxious weed fee for purposes of funding the Noxious Weed Control Act. Due to your concerns involving time, we gave you an informal response to your question. The purpose of this opinion is to formalize our earlier response.

Article VIII, Section 1A of our Nebraska Constitution provides, "the state shall be prohibited from levying a property tax for state purposes." The obvious import of this Constitutional provision is to leave property taxing authority to Nebraska's governmental subdivisions and to prevent the state from levying such a tax.

LB 911 would promulgate the Noxious Weed Control Act, and the bill contains various provisions for administering and enforcing noxious weed control requirements. Section 18 of the bill provides, "There is hereby levied a one-time noxious weed fee of ten cents per acre of land classified for purposes of taxation as agricultural or horticultural. The fee shall be collected by the county treasurers by February 1, 1989, and forwarded to the State Treasurer who shall deposit the fees in the Noxious Weed Revolving Fund which is hereby created." The constitutionality of this particular taxing provision turns upon a determination of whether this tax provides for a form of property tax or a form of excise tax. If Section 18 imposes a property tax, then the tax is unconstitutional under Article VIII, Section 1A set out above. If Section 18 imposes an excise tax, that constitutional provision does not come into play.

Our Supreme Court most recently considered the distinction between excise taxes and property taxes in State v. Galyen, 221 Neb. 497, 378 N.W.2d 182 (1985). In that case, the court stated,

Black's Law Dictionary (5th Edition, 1979) at 506 defines an excise tax as "a tax imposed on the performance of an act....tax laid on manufacture, sale, or consumption of commodities...." On the other hand, Black's Law Dictionary, supra at 1097 defines a property tax as "a tax levied on both real and personal property; the amount of the tax being dependent on the value of the property, generally expressed as a uniform rate per thousand of valuation."

Id at 500, 378 N.W.2d at 185. The court went on to add,

"An excise tax, using the term in its broad meaning as opposed to a property tax, includes taxes sometimes designated by statute or referred to as privilege taxes, license taxes, occupation taxes, and business taxes."

....On a number of occasions this court has similarly recognized that a tax imposed upon the doing of an act is an excise tax and not a property tax.

Id at 500, 501, 378 N.W.2d at 185.

Under the Galyen standard, it is not entirely clear whether the "noxious weed fee" of Section 18 of LB 911 is a property tax or an excise tax. On the one hand, the fee is levied by the Legislature, it in no way is based upon the value of the property in question, and it is not subject to assessment procedures by local county assessors as are forms of property tax. On the other hand, the fee is imposed without the "doing of an act," as required by Galyen, for example the sale of a particular commodity. In the Galyen case, the fee in question was paid per head on cattle as they were sold.

Because it is not clear whether the fee imposed by LB 911 is a property tax or an excise tax under Nebraska law, we reviewed case law from other jurisdictions which deals with this issue. Several of those cases shed some light upon this question.

Several cases from other jurisdictions indicate that a tax on a particular use of property is an excise tax. For example in Eastler v. State Tax Assessor, 449 A.2d 921 (Maine 1985), the court indicated that an excise tax is not confined to a tax on business but also embraces any tax imposed on a particular use of property or a particular power over property which is incidental to its ownership. Similarly, in Weaver v. Prince George's County, 281 Md. 349, 379 A.2d 399 (1977), the court indicated that a tax on the use of property as distinguished from a tax based on ownership exclusively is in the nature of an excise tax. See also, Mount Tivy Winery, Inc. v. Louis, 134 F.2d 120 (1943); State v. Wynne, 134 Tex. 455, 133 S.W.2d 951 (1939).

Other cases from other jurisdictions focus on the methods used to impose the tax and on the methods used to determine the amount of

the tax itself. For example, in Black v. State, 67 Wash.2d 97, 406 P.2d 761 (1965), the court indicated that a tax imposed directly by the legislature without assessment measured by the amount of business done or the extent to which conferred privileges have been used or exercised by the taxpayer irrespective of the nature or value of the taxpayer's assets, is an excise tax. In contrast, a tax computed on valuation of property and assessed by assessors either where it is situated or at the owner's domicile is a property tax. See also, Weaver v. Prince George's County supra; City of Phoenix v. Bowles, 65 Ariz. 315, 180 P.2d 222 (1947).

It appears to us that the fee imposed by Section 18 of LB 911 could be characterized as imposing a tax on the use of property since it is levied only upon "land classified for purposes of taxation as agricultural or horticultural." In other words, the fee here is imposed upon use of the property as agricultural land. In addition, this tax is levied by the Legislature and is not in any way based upon valuation of the property. Therefore, the fee set out in Section 18 of LB 911 may be considered an excise tax. As such, it does not violate Article VIII, Section 1A of our State Constitution which prohibits the imposition of a property tax for state purposes.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

5-1-10

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 309. Introduced by Dierks, 40th District.

WHEREAS, Coach Kent Edwards and the Elgin Lady Eagles basketball team have displayed remarkable ability and teamwork; and

WHEREAS, the team completed the 1987-88 season with a perfect 20-0 record; and

WHEREAS, the team was crowned the Class D-1 Girls' State Basketball Champion.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Elgin Lady Eagles basketball team and Coach Kent Edwards be congratulated for their success.

2. That a copy of this resolution be sent to Elgin High School and be presented to the team.

Laid over.

LEGISLATIVE RESOLUTION 310. Introduced by Rogers, 41st District.

WHEREAS, the village of Elyria was platted in 1888; and

WHEREAS, this Valley County community has been the home of some of Nebraska's finest citizens for one hundred years; and

WHEREAS, a centennial celebration offers a community a unique opportunity to recall its past and look ahead to its future; and

WHEREAS, Elyria will celebrate its centennial on June 11, 1988, with a parade, dance, barbecue, and other special events.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations and best wishes to the community of Elyria on the occasion of its centennial.

2. That a copy of this resolution be sent to the community of Elyria.

Laid over.

LEGISLATIVE RESOLUTION 311. Introduced by Coordsen, 32nd District.

WHEREAS, during the 1987-88 basketball season, the Bruning Lady Bears basketball team achieved a 19-4 record; and

WHEREAS, on March 5, 1988, the Bruning Lady Bears basketball team won its first state title in Class D-2; and

WHEREAS, the Lady Bears have displayed exemplary athletic skill, competitive spirit, and sportsmanship; and

WHEREAS, the team members and coach Wayne Koehler deserve special recognition for their first state title.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the team members of the Bruning Lady Bears basketball team and coach Koehler and recognizes the team as the 1988 Girls State Class D-2 champions.

2. That the Clerk of the Legislature send a copy of this resolution to coach Wayne Koehler, Bruning High School.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Schmit, Moore, Coordsen, Schellpeper, Conway, Remmers, and Mrs. Campbell asked unanimous consent to print the following amendment to LB 457 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2374.)

SELECT FILE

LEGISLATIVE BILL 88. The pending Hall amendment, AM2203, found in this day's Journal on page 1222, was renewed.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall requested a record vote on his amendment.

Mr. Hall moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Ashford	Conway	Higgins	McFarland	Rogers
Beyer	Dierks	Korshoj	Moore	Schellpeper
Campbell	Hall	Labedz	Pirsch	Smith
Chambers	Hannibal	Lamb	Remmers	Withem
Chizek	Hartnett			

Voting in the negative, 21:

Baack	Bernard-Stevens	Coordsen	Johanns	Johnson, R.
Barrett		Elmer	Johnson, L.	Johnson, V.

Landis	Marsh	Nelson	Warner	Weihing
Langford	Miller	Scofield	Wehrbein	Wesely
Lynch	Morehead			

Present and not voting, 2:

Goodrich Peterson

Excused and not voting, 4:

Abboud Haberman Hefner Schmit

The Hall amendment lost with 22 ayes, 21 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Hall renewed his pending amendment, AM2192, found in the Journal on page 995.

Mr. Rogers 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?"

Mrs. Labedz moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chair declared the call raised.

The Hall amendment was adopted with 27 ayes, 9 nays, 9 present and not voting, and 4 excused and not voting.

Mr. McFarland offered the following amendment:
AM2414

1. On page 4, strike beginning with "and" in line 17 through "marriage" in line 19 and insert ", witnessed by two adults, and notarized. Witnesses to the execution of the declaration shall not be: (a) Related to the declarant by blood or marriage; (b)

financially responsible for the medical care of the declarant; (c) entitled to any portion of the estate of the declarant pursuant to any will of the declarant, any codicil to such will, or by operation of law; (d) the attending physician; (e) an employee of the attending physician or an employee of a health care facility in which the declarant is a patient; and (f) a person who, at the time of the execution of the declarant, has a claim against any portion of the estate of the declarant".

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. McFarland moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Ashford	Elmer	Johnson, R.	Moore	Rogers
Campbell	Goodrich	Korshoj	Nelson	Schellpeper
Chambers	Hall	Labedz	Peterson	Smith
Chizek	Hartnett	Lamb	Pirsch	Weihing
Conway	Higgins	McFarland	Remmers	Wesely
Dierks				

Voting in the negative, 14:

Barrett	Beyer	Johnson, V.	Marsh	Scofield
Bernard-Stevens	Coordsen	Landis	Miller	Warner
	Johnson, L.	Langford	Morehead	Wehrbein

Present and not voting, 5:

Baack	Hannibal	Johanns	Lynch	Withem

Excused and not voting, 4:

Abboud	Haberman	Hefner	Schmit

The McFarland amendment was adopted with 26 ayes, 14 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mrs. Pirsch 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, 1 nay, and 23 not voting.

Mrs. Morehead moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

PRESIDENT NICHOL PRESIDING

Mr. Landis requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Elmer	Johnson, R.	Marsh	Warner
Baack	Haberman	Johnson, V.	Morehead	Wehrbein
Barrett	Hannibal	Landis	Nelson	Weihing
Bernard-Stevens	Johanns	Langford	Scofield	Wesely
Coordsen	Johnson, L.	Lynch	Smith	Withem

Voting in the negative, 17:

Beyer	Dierks	Korshoj	McFarland	Peterson
Campbell	Goodrich	Labedz	Miller	Remmers
Chizek	Hall	Lamb	Moore	Rogers
Conway	Hartnett			

Present and not voting, 3:

Chambers	Higgins	Schellpeper

Excused and not voting, 4:

Abboud	Hefner	Pirsch	Schmit

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.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 940. Placed on Select File as amended.
E & R amendments to LB 940:
AM5387

1. In the Withem amendment, AM2185, adopted March 2, 1988:

a. On page 1, line 10, after "members" insert ", each"; and in line 19 strike "effective" and insert "operative" and strike "act" and insert "section";

b. On page 2, line 24, strike "has" and insert "shall have";

c. On page 3, lines 7 and 8, strike the comma; in line 12 strike "effective" and insert "operative"; in line 13 strike "act" and insert "section"; in lines 14 and 18 before "districts" insert "school"; in lines 15, 19, and 20 before each occurrence of "district" insert "school"; and in line 22 after "appropriate" insert "to the fund";

d. On page 4, line 13, after "Fund" insert an underscored comma; and

e. On page 5, lines 13 and 14, after "hundred" insert "and".

2. In the Standing Committee amendments, AM1851, adopted March 2, 1988:

a. On page 3, line 22, strike "miles" and insert "mile";

b. On page 4, line 16; page 6, line 14; and page 7, line 9, insert paragraphing after the period; and

c. On page 12, line 7, strike the comma; in line 18 after "adopt" insert "and promulgate"; in line 19 after "rules" insert "and regulations"; and in line 23 after "operative" insert "on".

3. Strike beginning with "79-102" on page 1, line 2, through the first semicolon on page 2, line 10, and insert "79-102.01, 79-426.05, 79-426.08, 79-1247.02, and 79-1335, Reissue Revised Statutes of Nebraska, 1943;

to state intent; to change provisions relating to the formation of new school districts, county committees for the reorganization of school districts, accreditation, and eligibility for certain aid; to require a plan of reorganization; to create advisory committees and a commission; to provide for the coordination of curricula; to eliminate provisions on pilot programs; to provide powers and duties; to provide for funding as prescribed; to create a fund; to repeal provisions on nonresident high school tuition;".

LEGISLATIVE BILL 940A. Placed on Select File as amended.
E & R amendment to LB 940A:
AM5388

1. On page 2, line 12, strike the first "June 30" and insert "July 1".

Correctly Engrossed

The following resolution was correctly engrossed: LR 7CA.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 1083 in the Journal. No objections. So ordered.

AM2340

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds and determines that the state and its political subdivisions can often achieve significant economies of scale and interest and issuance cost savings, as well as better coordination and utilization of available federal and state assistance programs, by conducting their normal borrowings through joint arrangements and that such joint arrangements are in the interest of the state and its citizens. The purpose of this act is to authorize political subdivisions to develop alternative joint-financing programs. This act is not intended to enlarge or diminish the authority of a political subdivision to issue or incur obligations or acquire

property or to change the existing requirements or restrictions pertaining to a political subdivision. All such programs are to be conducted for the benefit of the citizens of the state and the affected political subdivision generally and specifically for the public purposes set forth in this act and not for the primary benefit of any single person or organization.

Sec. 2. Political subdivision shall mean (1) any county, municipality, city, town, village, township, school district, or any other district or political subdivision of the state, (2) the state, or (3) any association of any of the entities described in subdivisions (1) and (2) of this section but shall not include sanitary and improvement districts.

Sec. 3. Any two or more political subdivisions may enter into a cooperative agreement in accordance with the Interlocal Cooperation Act and, pursuant to the Interlocal Cooperation Act, may exercise any power granted in section 4 of this act for the benefit of and with respect to the political subdivisions which are parties to such agreement.

Prior to carrying out any such power, the participating political subdivisions shall adopt and promulgate rules and regulations governing such activities, including any or all of the following:

(1) How the activities will effectuate the public purposes of the participating political subdivisions;

(2) The nature and amount of fees, if any, to be charged to provide for expenses and reserves;

(3) Participation in any related federal or state funding programs;

(4) Such requirements as are appropriate to ensure that the exercise of such power is prudent and reasonable; and

(5) Any other matters related to the duties or exercise of the power granted by this section.

Any such exercise of cooperative authority by participating political subdivisions is intended to be self-supporting, and no money derived directly or indirectly from taxes may be used to pay any costs or expenses incurred in connection with such activities. The cooperative agreement shall provide for the employment of an independent person, experienced in

financial matters, to monitor the ongoing compliance of the participating political subdivisions with all covenants pertaining to such political subdivisions.

Sec. 4. To assist political subdivisions in financing their governmental activities, such political subdivisions may (1) cooperate with other political subdivisions, (2) make loans to other political subdivisions, (3) purchase, pledge, or sell obligations of other political subdivisions, (4) acquire by sale, lease, or otherwise any real or personal property or equipment for lease, sale, or other contractual arrangement with any other political subdivision, and (5) make loans to any political subdivision to enable it to acquire any real or personal property or equipment for lease, sale, or other contractual arrangement with a political subdivision. Such powers are intended to enable political subdivisions to develop alternative financing programs.".

Mr. Baack asked unanimous consent to print the following amendment to LB 1083 in the Journal. No objections. So ordered.

AM2432

1. On page 2, line 11, strike ", as well as the authority,"; and in line 24 strike "Political" and insert "For purposes of section 1 to 5 of this act, political".

2. On page 3, line 11, strike "to the authority"; in line 13 after the period insert "In addition, any political subdivision constituting an independent instrumentality of the state exercising essential public functions may exercise any power granted in section 4 of this act for the benefit of and with respect to any political subdivision."; and in line 15 before "participating" insert "political subdivision and any" and after "subdivisions" insert "entering into a cooperative agreement".

3. On page 4, line 14, strike "(1)"; in lines 15 to 16 strike "the authority" and insert "any political subdivision subject to the limitations of section 3 of this act"; in line 18 after the comma insert "and"; and strike beginning with the comma in line 21 through "subdivision" in line 25.

4. On page 5, line 1, strike "enable the

authority to develop" and insert "authorize the development of"; strike lines 7 through 19; in line 20 strike "The authority" and insert "Any political subdivision constituting an independent instrumentality of the state exercising essential public functions"; and in line 21 after "its" insert "revenue".

5. On page 6, line 3, strike "authority" and insert "instrumentality".

6. Strike original sections 6 to 9.

7. Remove underscoring from original sections 1 to 5.

Mr. Wesely and Mrs. Morehead asked unanimous consent to print the following amendment to LB 160 in the Journal. No objections. So ordered.

AM2413

(Amendments to AM1839)

1. On page 5, strike beginning with "For" in line 13 through the period in line 21 and show as stricken.

2. On page 6, strike lines 1 through 9 and show the old matter as stricken.

3. Insert the following new sections:

"Sec. 6. That section 79-1549, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1549. A Contingent Fund is hereby created (1) to facilitate the crediting of regular interest on the amounts in the various other funds, with the exception of the Expense Fund, (2) to improve the benefits of previously retired members, and (3) to provide a fund to cover any special requirements of the Annuity Reserve Fund or the Expense Fund, insofar as the state is responsible for these funds. All income, interest, and dividends derived from the deposits and investments authorized by sections 79-1501 to 79-1557 shall be paid into the Contingent Fund. The retirement board is hereby authorized to accept gifts, devises, and bequests, and any funds that may come into the possession of the retirement system in this manner or which may be transferred from the School Employees' Savings Fund by reason of the lack of a claimant or because of a surplus in any fund described in section

79-1545, or any other money the disposition of which is not otherwise provided for herein, shall be credited to the Contingent Fund. The interest allowed by the retirement board to each of the funds shall be paid to such funds from the Contingent Fund or shall be used to improve the benefits of previously retired members. Any deficit occurring in the Annuity Reserve Fund or in the Expense Fund, insofar as the state is responsible for these funds, shall be met by payments to the fund in question from the Contingent Fund. Annually the retirement board shall estimate the amount of money deemed necessary to pay the obligation levied against the Contingent Fund, including regular interest. If such amount exceeds the ~~revenues~~ revenue estimated to accrue to the fund for that year, such excess shall be certified to the State Treasurer and shall, on warrant of the Director of Administrative Services, be transferred from funds appropriated by the state for such purpose to the Contingent Fund. ~~of the retirement system.~~

Sec. 7. That section 79-1558, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1558. Commencing ~~September 1, 1980~~ October 1, 1988, the Public Employees Retirement Board shall determine a supplemental retirement benefit for each person who is retired from the school retirement system or the retirement system for Class V districts as provided by sections 79-1032 to 79-1060 with twenty-five or more years of creditable service as of ~~July 1, 1980~~ October 1, 1988. The benefit may be adjusted by the board to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement. The computation and payment to persons shall be determined with ~~the~~ funds made available by the Legislature ~~as of January 1, 1981~~ and any funds made available under section 79-1549. ~~Any person who would have been eligible for the supplemental retirement benefits provided under this section if this act had been operative on January 1, 1981, but who did not, during the months of January and February 1981, receive such benefits shall be entitled to an accumulated payment for such months to be made in March 1981.~~

Sec. 8. That section 79-1560, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

79-1560. For each person who qualifies under sections 79-1558 to 79-1564, the Public Employees Retirement Board shall determine the value of the total monthly benefit being received from the school retirement system or the retirement system for Class V districts. From ~~one hundred fifty-five~~ two hundred fifty dollars, the ~~Public Employees Retirement Board~~ board shall subtract the total monthly benefit. Such difference, if positive, shall be the supplemental benefit and shall be paid to the retired person each month from the Retired Teachers Supplementary Benefits Fund, except that if this difference is less than five dollars, a minimum payment of five dollars per month shall be made to such person. Such fund shall be separate and not commingled with any other state funds allocated to the school retirement system or the retirement system for Class V districts.

The board may buy a paid-up annuity for a retired member which guarantees the supplemental benefit payment provided for under this section to be paid only to such member during his or her life. The increase provided to the supplemental benefit above the level provided prior to the effective date of this act and any additional increase provided subsequent to the effective date of this act shall be funded from the Contingent Fund, but only from such income which would be paid to the School Employees' Savings Fund and the School Employer's Deposit Fund.

Sec. 9. That section 84-1503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1503. (1) It shall be the duty of the Public Employees Retirement Board:

(a) To administer the retirement systems provided for in sections 23-2301 to 23-2331, 24-701 to 24-733, 50-901 to 50-919, 79-1501 to 79-1565, 81-2014 to 81-2034, and 84-1301 to 84-1331;

(b) To hire a director to administer the systems under direction of the board. The director shall not be a member of the board. Salaries of the director and his or her employees shall be set by the board;

(c) To provide for an equitable allocation of expenses among the retirement systems administered by the board, and all expenses shall be provided from the investment income earned by the various retirement funds unless alternative sources of funds to pay expenses shall be specified by law; and

(d) To administer the deferred compensation program authorized in section 84-1504.

(2) In administering the retirement systems listed in subdivision (1)(a) of this section, it shall be the duty of the board:

(a) To use the services of the state investment officer or to select, on the basis of the most sound proposal or proposals received, after written notice of such proposition to all domestic companies, one or more life insurance companies, banks, trust companies, or investment managers authorized to do business in Nebraska to underwrite, serve as trustee, or manage investments for the retirement system and to enter into a contract or contracts with such company or companies in the name of the retirement system, except that if a bank, trust company, or investment manager is chosen as the primary carrier or investment manager the funds shall be invested or reinvested in such securities and investments of the nature which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another, and if the life insurance company, bank, trust company, or investment manager has special skills or is named on the basis of representations of special skills or expertise, it is under a duty to use such skills;

(b) To change underwriters, trustees, or investment managers if, in the judgment of the board, such action would be desirable. The cancellation notice may be given by telephone and shall be confirmed in writing within five days by the board or a designated person appointed by the board;

(c) To determine the prior service annuity, if any, for each person who shall be an employee of the county on the date of adoption of the retirement system;

(d) To determine the eligibility of an individual to be a member of the retirement system and other questions of fact in the event of a dispute between an individual and the county board in his or her

county;

(e) To adopt and promulgate rules and regulations for the management of the board;

(f) To keep a complete record of all proceedings taken at any meeting of the board; and

(g) To employ such actuarial and other assistance as may be necessary in the performance of its duties. An actuary employed by the board shall be a member of the American Academy of Actuaries.

(3) It shall be the duty of such board to have an analysis made of the investment return that has been achieved on the assets of each retirement system administered by the board. Such analysis shall be prepared as of January 1, 1984, and each four years thereafter. The analysis shall be prepared by an independent private organization which has demonstrated expertise to perform this type of analysis and which is unrelated to any organization offering investment advice or which provides investment management services to the retirement system. The analysis may be waived by the board for any retirement system with assets of less than ten million dollars.".

4. On page 8, strike line 17 and all amendments thereto and insert "79-1522.02, 79-1529, 79-1531, 79-1533, 79-1549, 79-1558, 79-1560, and 84-1503, Reissue Revised Statutes of".

5. Renumber remaining sections accordingly.

Mr. McFarland asked unanimous consent to print the following amendment to LB 1238 in the Journal. No objections. So ordered.

AM2420

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2715.02, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2715.02. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby

established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A, B, and E shall be the same as for the federal rate schedules in effect for tax year 1987;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) The primary rate set by Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .64, ~~1.0, 1.59, 1.87, and 1.87~~ 1.09, 1.68, 1.97, and 2.13;

(e) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to tenths of one percent, except for the primary rate which shall be expressed in hundredths of one percent; and

(f) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be seven times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemptions and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income

included in the tax tables.

Sec. 2. That section 77-2716.01, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2716.01. (1) Every individual shall be allowed to subtract from federal adjusted gross income an amount for personal exemptions. For tax year 1987, the amount allowed to be subtracted shall be one thousand one hundred dollars multiplied by the number of exemptions allowed on the federal return. For tax years commencing or deemed to begin on or after January 1, 1988, the amount allowed to be subtracted shall ~~be one thousand one hundred thirty dollars~~ equal the amount of the federal exemption allowed on the federal return multiplied by the number of exemptions allowed on the federal return.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction. The amount of the standard deduction shall depend upon the filing status used on the federal return. For tax year 1987, individuals who file as single or head of household shall be allowed two thousand five hundred and thirty dollars, married filing jointly shall be allowed three thousand seven hundred and forty dollars, and married filing separately shall be allowed one thousand eight hundred and seventy dollars. For tax years commencing or deemed to begin on or after January 1, 1988, individuals ~~who file as single or head of household shall be allowed two thousand five hundred fifty dollars, married filing jointly shall be allowed three thousand seven hundred eighty dollars, and married filing separately shall be allowed one thousand eight hundred ninety dollars~~ shall be allowed an amount equal to the federal standard deduction.

(3) Every individual who itemized on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or all of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid.

Sec. 3. That original sections 77-2715.02 and 77-2716.01, Revised Statutes Supplement, 1987, are

repealed.".

Mr. McFarland asked unanimous consent to print the following amendment to LB 1234 in the Journal. No objections. So ordered.

AM2384

1. On page 18, after line 12, insert the following new subsection:

"(5) For applications filed on or after January 1, 1988, none of the incentives, refunds, or tax credits prescribed in this section shall be allowed to the taxpayer if the taxpayer's average number of employees at the end of each year of the entitlement period is less than the taxpayer's average number of employees in the base year.".

UNANIMOUS CONSENT - Member Excused

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 1238.

LB	Committee
1238	Revenue

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

MOTION - Suspend Rules

Mr. V. Johnson moved to suspend Rule 3 Section 13 to schedule a public hearing on LB 1238 for Friday, March 11, 1988.

The V. Johnson motion to suspend the rules prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1100. Mrs. Morehead withdrew her pending motion found in the Journal on page 1177 to indefinitely postpone.

Mr. Lamb asked unanimous consent to replace his pending amendment, AM2124, found in the Journal on page 1178, with a substitute amendment. No objections. So ordered.

Mr. Lamb withdrew his pending amendment, AM2124, found in the Journal on page 1178.

Mr. Lamb offered the following substitute amendment:
AM2407

1. Insert the following new section:

"Sec. 118. That Laws 1987, LB 390, section 26, be amended to read as follows:

Sec. 26. Sections 23 and 24 of this act shall become operative on ~~July 1, 1988~~ January 1, 1989. The remaining sections of this act shall become operative on their effective date.".

2. On page 175, line 21 strike "and".

3. On page 176, line 1, after the second comma insert "and Laws 1987, LB 390, section 26,".

The Lamb amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Conway and L. Johnson renewed their pending amendment, AM2121, found in the Journal on page 1180.

Mr. Lynch moved to bracket LB 1100 until March 14, 1988.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

The Lynch motion to bracket lost with 5 ayes, 15 nays, 22 present and not voting, and 7 excused and not voting.

Messrs. Conway and L. Johnson withdrew their pending amendment, AM2121.

Pending.

NOTICE OF COMMITTEE HEARING
Revenue

LB 1238 Friday, March 11, 1988 1:30 p.m.

(Signed) Vard R. Johnson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 312. Introduced by Goodrich, 20th District; Hannibal, 4th District; Ashford, 6th District.

WHEREAS, the Omaha Westside High School women's swim team, the Warriors, won the Class A Girls' State Swimming Championship on February 27, 1988; and

WHEREAS, the Warriors have displayed exemplary athletic skill, competitive spirit, and sportsmanship; and

WHEREAS, the team members and Coach Doug Krecklow are deserving of special recognition for their victory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature commend and congratulate the Omaha Westside Warriors and Coach Krecklow and recognize the team as the 1988 Girls' State Class A Swimming Champions.

2. That a copy of this resolution be sent to Coach Doug Krecklow at Omaha Westside High School.

Laid over.

LEGISLATIVE RESOLUTION 313. Introduced by Rogers, 41st District.

WHEREAS, the annual State Basketball Tournament for Nebraska High School Girls is of great interest to sports-minded Nebraskans; and

WHEREAS, the state tournament is a demonstration of determination, conditioning, endurance, and youthful exuberance; and

WHEREAS, the Ord High School Lady Chants and Coach Max Murray won the 1988 Nebraska Girls State High School Basketball Championship; and

WHEREAS, the victory on March 5, 1988, was Coach Murray's 201st career victory; and

WHEREAS, such outstanding achievement is deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their congratulations and best wishes to the members and coaching staff of the Ord High School girls basketball team for winning the Class B State Championship.

2. That the Legislature commend the competitive spirit and sportsmanship exhibited by the team in their victory.

3. That the Clerk of the Legislature send a copy of this resolution to Ord High School.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 1100 in the Journal. No objections. So ordered.

AM2425

(Amendments to AM2263)

1. On page 1, lines 17 to 18, strike "of Massage Therapy" and insert "in Massage Practice".

2. On page 4, line 1, strike "therapy"; in line 6 strike "Therapist" and insert "Practitioner"; in line 21 strike "therapy"; and in line 22 strike "Therapy".

3. On page 7, line 5, strike "therapist" and insert "practitioner"; and in line 21 strike "therapy".

4. On page 10, lines 1 and 6, strike "therapy" and insert "practice".

5. On page 11, line 14, strike "therapy" and insert "practice"; in line 17 strike "Therapy" and insert "Practice"; and in line 21 strike "therapists" and insert "practitioners".

6. On page 12, lines 7, 10, and 12, strike "therapy"; in lines 9 and 11 strike "therapist" and

insert "practitioner".

7. On page 13, line 11, strike "therapy" and insert "practice".

8. On page 15, lines 2 and 13, strike "Therapy" and insert "Practice"; in line 7 strike "therapy"; and in line 11 strike "therapy" and insert "practice".

9. On page 16, line 5, strike the first "therapy" and strike the second "therapy" and insert "practice"; and in line 20 strike "therapist" and insert "practitioner".

10. On page 17, lines 1, 6, and 22, strike "Therapy" and insert "Practice"; in lines 5 and 8 strike "therapy"; in line 16 strike "therapy" and insert "practice"; and in line 22 strike "therapists" and insert "practitioners".

Mr. Hall asked unanimous consent to print the following amendment to LB 716 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2390.)

VISITORS

Visitors to the Chamber were Speaker Barrett's wife, Elsie, daughter, Jane, and son-in-law, Steve Sarnes; and 47 junior and senior students and teacher from Falls City High School.

ADJOURNMENT

At 4:39 p.m., on a motion by Mr. Wesely, the Legislature adjourned until 9:00 a.m., Tuesday, March 8, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 8, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 8, 1988

Pursuant to adjournment, the Legislature met at 9:12 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Jim Bowman, Lutheran Advocacy Office.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Bernard-Stevens, Chambers, Conway, Dierks, L. Johnson, McFarland, Mesdames Johanns, Labedz, Nelson, and Pirsch who were excused until they arrive.

PRESIDENT NICHOL PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Ninth Day was approved.

MOTION - Override Veto on LB 853

Mrs. Johanns moved that LB 853 become law notwithstanding the objections of the Governor.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1089. Placed on Select File as amended.
E & R amendments to LB 1089:
AM5390

1. On page 1, line 2, strike "53-130, 53-138.01,"; in line 3 strike "53-146,"; in line 4 strike "53-166, 53-169.01, 53-185,"; in line 6 strike "53-131,"; in line 7 strike "and"; in line 9 after "1987" insert ", and section 53-131, Revised Statutes Supplement, 1986, as amended by section 1, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988"; and in line 11 strike "fees" and insert "a fee".

2. For purposes of correlation with section 2, LB 550, strike original section 7 and all amendments thereto and insert the following new section:

"Sec. 6. That section 53-131, Revised Statutes Supplement, 1986, as amended by section 1, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988, be amended to read as follows:

53-131. Any person desiring to obtain a new license to sell alcoholic liquors at retail <u>or a brewpub license</u> shall file with the commission:

(1) An application in triplicate original upon such forms as the commission shall from time to time prescribe;

(2) The license fee if under subdivision (5) of section 53-124 such fee is payable to the commission, which fee shall be returned to the applicant if the application is denied;

(3) The state registration fee in the sum of twenty-five dollars;

(4) The bond as set forth in section 53-138.02; and

(5) Security for costs in the amount of one hundred dollars.

License fees, registration fees, and security for costs shall be paid to the commission by certified or cashier's check of a bank within this state, United States post office money order, or cash in the full amount of such fees and costs. The commission shall forthwith notify, by registered or certified mail marked return receipt requested with postage prepaid, the municipal clerk of the city or incorporated village in which such license is sought or, if the license is not

sought within a city or incorporated village, the county clerk of the county in which such license is sought of the receipt of the application and shall enclose with the notice one copy of the application. No such license shall then be issued by the commission until the expiration of the time allowed for the receipt of an objection requiring a hearing under subdivision (1)(a) of section 53-133. During the period of forty-five days from the date of receiving such application from the commission, the local governing body of such city, village, or county may make and submit to the commission recommendations relative to the granting or refusal to grant such license to the applicant. If the local governing body recommends approving or denying the issuance of a license, the recommendation shall be binding on the commission, except that no license shall be issued if the commission determines that the issuance of a license would be a violation of section 53-125 or 53-126.".

3. On page 2, line 24, strike the last comma and show as stricken.

4. On page 3, line 9, strike the last comma and show as stricken; and in line 23 after "but" insert "the act".

5. On page 4, line 20, strike "the same", show as stricken, and insert "such product".

6. On page 5, line 2, strike both commas and show as stricken; in line 5 after the stricken "this" insert "the", reinstate the stricken "act", and strike the new matter; and in line 15 after the second "or" insert "who".

7. On page 6, line 20, strike "therein", show as stricken, and insert "in such place"; and in line 23 after "corporation" insert "which is".

8. On page 7, line 1, after the first comma insert "which is"; in line 3 reinstate the stricken comma and strike "owning, hiring, or leasing", show as stricken, and insert "which owns, hires, or leases"; and in line 14 strike the comma and show as stricken.

9. On page 10, lines 9 and 11, strike "whereby", show as stricken, and insert "by which"; in line 10 after "sell" insert "the franchisor's"; and in line 11 strike "thereof" and show as stricken.

10. On page 11, line 11, strike the comma and

show as stricken; and in line 14 strike "therein" and show as stricken.

11. On page 12, line 13, strike "may sell" and insert "sells".

12. On page 22, line 6, strike the comma and show as stricken.

13. Strike original section 8 and all amendments thereto.

14. On page 28, line 6, strike "established", show as stricken, and insert "adopted and promulgated".

15. On page 30, line 3, after "corporation" insert an underscored comma; in line 7 strike the first comma and show as stricken; in line 8 after "thereto" insert an underscored comma; in line 17 after "conditioned" insert "(1)"; and in line 25 strike ". Such manufacturer or" and insert ', (2)".

16. On page 31, line 1, strike the new matter, reinstate the stricken "that he will" and after the reinstated "he" insert "or she"; in line 6 strike "and" and insert "(3)" and reinstate the stricken "that"; in line 7 strike the new matter and reinstate the stricken matter; in line 11 strike the new matter and insert an underscored comma; and in line 12 strike the new matter, reinstate the stricken "and that he will", after the reinstated "and" insert "(4)", and after the reinstated "he" insert "or she".

17. On page 36, line 14, strike the comma and show as stricken; in line 22 strike "53-138.01,"; and in line 25 strike "53-131,".

18. On page 37, line 1, strike "and"; and in line 2 after the second comma insert "and section 53-131, Revised Statutes Supplement, 1986, as amended by section 1, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988,".

19. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1165. Placed on Select File as amended.
E & R amendments to LB 1165:
AM5389

1. In the Standing Committee amendments, AM1922, adopted March 3, 1988, on page 1, line 9, strike "is" and insert "was".

2. On page 2, line 17, strike "of" and after

"injunction" insert "is"; and in line 19 after "1976" insert ", 45 U.S.C. 801 et seq.,".

3. On page 3, line 14, after "1976" insert ", 45 U.S.C. 801 et seq.".

(Signed) Scott Moore, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 301, LR 302, and LR 303.

RESOLUTIONS

LEGISLATIVE RESOLUTION 308. Read. Considered.

LR 308 was adopted with 22 ayes, 0 nays, and 27 not voting.

LEGISLATIVE RESOLUTION 263. Read. Considered.

Standing Committee amendments, AM2149, found in the Journal on page 973 for the Thirty-Second Day were considered.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendments were adopted with 33 ayes, 0 nays, and 16 present and not voting.

LR 263 was adopted with 30 ayes, 1 nay, and 18 not voting.

LEGISLATIVE RESOLUTION 314. Introduced by Elmer, 38th District.

WHEREAS, the Oxford girls basketball team, the Cardinals, had a record of 22-0 during the 1987-88 basketball season; and

WHEREAS, the Cardinals and head coach Mike Lanham and assistant coach Steve Billeter won the 1988 Nebraska Girls State High School Basketball Class C-2 championship; and

WHEREAS, the outstanding achievement demonstrates hard work, discipline, and ability and is deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their congratulations and best wishes to the team members and coaches Mike Lanham and Steve Billeter for winning the Class C-2 State Championship.

2. That the Clerk of the Legislature send a copy of this resolution to Oxford High School.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. L. Johnson, Abboud, Hartnett, Conway, Mesdames Campbell, and Pirsch asked unanimous consent to print the following amendment to LB 1030 in the Journal. No objections. So ordered.

AM2005

1. Insert the following new sections:

"Sec. 2. That section 25-1012.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1012.01. All provisions, including provisions for a continuing lien prescribed in section 25-1056, requirements, conditions, and exemptions of the garnishment laws of the State of Nebraska shall apply to all state, county, municipal, municipally owned corporation, township, and school district officers and employees, to the same extent and effect as such laws apply under the existing statutes of the State of Nebraska to officers and employees of private corporations. Consent is hereby given for garnishment proceedings against the State of Nebraska and against all counties, townships, municipal corporations, municipally owned corporations, and school districts in the same manner and under the same procedure as is now provided by law for bringing such suits and proceedings against corporations and individuals. This section shall apply only in case it is sought to hold and apply the earnings of such officers and employees, which earnings have been earned or are to be earned by personal services rendered to the state or to any county, township, municipal corporation, municipally

owned corporation, or school district.

Sec. 3. That section 25-1031.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1031.02. (1) The party seeking garnishment shall advance the costs of transcript and docketing ~~said~~ the matter in the district court.

(2) The district court shall be entitled to the following fee in civil matters: For issuance of a writ of execution, restitution, garnishment, attachment, and examination in aid of execution, a fee of five dollars each." .

2. On page 3, line 9, strike "household" and insert "family".

3. On page 4, line 19, strike "five", show as stricken, and insert "ten".

4. On page 6, line 2, strike "timely" and insert "a successful"; in line 19 strike "for each pay period,"; in line 21 after "issued" insert "for each pay period or on a monthly basis if the garnishee so desires"; and in line 22 strike "the" and insert "each".

5. On page 7, lines 21 and 22, strike "conflicting wage assignments,"; and in line 22 strike the comma.

6. On page 8, line 6, strike "satisfied" and insert "in effect"; strike beginning with "When" in line 7 through the period in line 10 and insert "If an employee's wages are already being garnished pursuant to a continuing lien at the time of service of a garnishment upon an employer, the answer to garnishment interrogatories shall include such information along with the date of termination of such continuing lien and the title of the case from which such garnishment is issued."; and in line 14 after "25-1011" insert ", 25-1012.01, 25-1031.02,".

7. Renumber the remaining sections accordingly.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 943.

A BILL FOR AN ACT relating to commercial transactions; to amend sections 52-202, 52-501, 52-701, 52-902, 52-1102, 54-201, and 54-208, Reissue Revised Statutes of Nebraska, 1943, sections 52-504, 52-702, 52-905, 52-1104, 52-1202, and 54-209, Revised Statutes Supplement, 1986, sections 52-1312, 52-1315, 52-1402, 52-1407, and 52-1409, Revised Statutes Supplement, 1987, and sections 9-403, 9-404, 9-414, 9-415, and 9-420, Uniform Commercial Code; to change provisions relating to notification of liens; to provide for termination statements as prescribed; to change provisions relating to liability; to change a fee; to provide duties for the Revisor of Statutes; to eliminate provisions relating to the Uniform Commercial Code Filing Council; to harmonize provisions; and to repeal the original sections, and also sections 9-416 to 9-419, Uniform Commercial Code.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Conway	Higgins	Lynch	Rogers
Ashford	Coordsen	Johanns	Marsh	Schellpeper
Baack	Dierks	Johnson, L.	McFarland	Schmit
Barrett	Elmer	Johnson, R.	Miller	Scofield
Bernard-Stevens	Goodrich	Johnson, V.	Moore	Smith
	Haberman	Korshoj	Morehead	Warner
Beyer	Hall	Labedz	Nelson	Wehrbein
Campbell	Hannibal	Lamb	Peterson	Weihing
Chambers	Hartnett	Landis	Pirsch	Wesely
Chizek	Hefner	Langford	Remmers	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.

LEGISLATIVE BILL 588. With Emergency.

A BILL FOR AN ACT relating to elections; to amend section 49-235, Reissue Revised Statutes of Nebraska, 1943; to provide for selection of delegates to county conventions by precinct caucus; to change a time restriction on when a special state election may be held;

to provide operative dates; 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	Conway	Johanns	Marsh	Schellpeper
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Dierks	Johnson, R.	Miller	Scofield
Barrett	Elmer	Johnson, V.	Moore	Smith
Bernard-Stevens	Goodrich	Korshoj	Morehead	Warner
	Haberman	Labedz	Nelson	Wehrbein
Beyer	Hall	Lamb	Peterson	Weihing
Campbell	Hannibal	Landis	Pirsch	Wesely
Chambers	Hartnett	Langford	Remmers	Withem
Chizek	Hefner	Lynch	Rogers	

Voting in the negative, 0.

Present and not voting, 1:

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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 229, 229A, 257, 320, 384, 384A, 647, 647A, 996, 1012, and 1012A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 229

The following changes, required to be reported for publication in the Journal, have been made:

ER0263

1. On page 1, the matter beginning with "maternal" in line 1 through line 8 has been struck and "medical assistance; to amend section 68-1020, Reissue Revised Statutes of Nebraska, 1943; to provide for benefits to certain individuals; and to repeal the original section." inserted.

Enrollment and Review Change to LB 229A

The following changes, required to be reported for publication in the Journal, have been made:

ER0264

1. On page 1, line 3, "First Session, 1987" has been struck and "Second Session, 1988" inserted.

Enrollment and Review Change to LB 257

The following changes, required to be reported for publication in the Journal, have been made:

ER0270

1. In the Wesely amendment, AM2120, adopted March 3, 1988:

a. On page 1, line 1, "sections" has been struck and "section" inserted;

b. Section 8 has been struck; and

c. Amendment 2 has been struck and the remaining amendments renumbered accordingly.

2. In the Lamb amendment, AM2211, adopted March 3, 1988:

a. On page 2, line 6; page 4, line 4; and page 6, line 3, the paragraphing has been eliminated and "such" has been inserted after "When";

b. On page 2, the matter beginning with "subject" in line 6 through "section" in line 7 has been struck; in line 7 an underscored comma has been inserted after "jail"; and in line 14 an underscored comma has been inserted after "identified";

c. On page 4, the matter beginning with "described" in line 4 through "section" in line 5 has been struck; in line 5 an underscored comma has been inserted after "jail"; in line 12 an underscored comma has been inserted after "identified"; in line 18 "(1)" has been struck and "(3)" inserted; the matter beginning with "in" in line 23 through the semicolon in line 24 has been struck; and in line 24 "the second" has been inserted after "with"; and

d. On page 6, the matter beginning with "described" in line 3 through "section" in line 4 has been struck; in line 4 an underscored comma has been inserted after "jail"; in line 11 an underscored

comma has been inserted after "identified"; and in line 17 "(1)" has been struck and "(3)" inserted.

3. In the E & R amendments, AM5242, adopted March 3, 1988, amendment 1 has been struck and amendment 2 renumbered as amendment 1.

4. On page 1, the matter beginning with "mental" in line 1 through "date" in line 7 has been struck and "imprisonment; to amend sections 29-2915, 83-1020, 83-1028, 83-1039, and 83-1078, Reissue Revised Statutes of Nebraska, 1943; to provide for the reduction of jail sentences as prescribed; to change placement provisions for mentally ill dangerous persons as prescribed; to provide duties for community mental health centers and the Department of Public Institutions; to harmonize provisions" inserted.

5. On page 4, line 20, "29-2915," has been inserted after "sections".

Enrollment and Review Change to LB 384

The following changes, required to be reported for publication in the Journal, have been made:
ER0269

1. In lieu of the Marsh amendment adopted March 3, 1988, found on page 1161 of the Journal, in the Wesely amendment, AM2313, adopted on March 3, 1988:

a. On page 1, line 6, the stricken matter has been reinstated and the new matter has been struck.

b. The following new section has been inserted:

"Sec. 15. That section 71-6230, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-6230. ~~Sections 71-6201 to 71-6230~~ The Nebraska Regulation of Health Professions Act shall terminate on ~~July 1, 1988~~ December 1, 1993.";

c. On page 21, line 12, "and" has been struck and "and 71-6230," has been inserted after the last comma; and the matter beginning with "and" in line 13 through the comma in line 15 has been struck; and

d. Sections 15 and 16 have been renumbered as sections 16 and 17, respectively.

2. In the Wesely amendment, AM2313, adopted on March 3, 1988:

a. On page 2, line 12, "other such" has been struck and "such other" inserted;

b. On page 3, line 6, the comma has been struck and shown as stricken;

c. On page 4, line 4, the second comma has been struck; in line 19 "creates" has been struck and "create" inserted; and in line 21 the comma has been struck;

d. On page 5, lines 8 to 9, "rules and regulations" has been struck and "rule and regulation" inserted;

e. On page 6, line 5, "shall" has been inserted after "but";

f. On page 8, line 20 "receipt" has been struck; and

g. On page 17, line 15, "After January 1, 1986, the" has been struck, shown as stricken, and "The" inserted.

3. On page 1, line 2, "section" has been struck and "sections 71-6201, 71-6203, 71-6217, 71-6221 to 71-6226, 71-6228, and" inserted; in line 3 "to define and redefine terms; to provide and change criteria for the regulation of health professions; to require a letter of intent; to change application review procedures; to eliminate obsolete language; to provide for a fee; to harmonize provisions;" has been inserted after the semicolon; in line 4 "and" has been struck; and in line 5 "section" has been struck and "sections; and to declare an emergency" inserted.

Enrollment and Review Change to LB 384A

The following changes, required to be reported for publication in the Journal, have been made:
ER0272

1. On page 1, line 3; and page 2, line 6, "First" has been struck and "Second" inserted and "1987" has been struck and "1988" inserted.

Enrollment and Review Change to LB 647A

The following changes, required to be reported for publication in the Journal, have been made:
ER0266

1. In the Nelson amendment, AM2333, adopted March 3, 1988, on page 2, line 24, "and" has been inserted after the comma.

2. On page 1, line 1, "relating to appropriations; to amend Laws 1987, LB 780, section 16, subdivision (4);" has been inserted after "ACT"; and in line 3 "; and to repeal the original subdivision" has been inserted before the period.

Enrollment and Review Change to LB 996

The following changes, required to be reported for publication in the Journal, have been made:

ER0268

1. In the Conway amendment, AM2064, adopted March 3, 1988:

a. On page 1, line 1, "sections" has been struck and "section" inserted; and

b. Section 2 has been struck.

2. In the Remmers amendment, AM2113, adopted March 3, 1988, on page 2, line 22, "section" has been struck and "sections 8-126 and" inserted.

3. On page 1, line 3, "and" has been struck; in line 4 ", and sections 8-126 and 8-148, Revised Statutes Supplement, 1987; to change residency requirements for members of the board of directors; to provide for the purchase of stock as prescribed" has been inserted after "1986".

4. On page 2, line 13, "is" has been struck and "in" inserted; and in line 19 "all" has been struck.

Enrollment and Review Change to LB 1012

The following changes, required to be reported for publication in the Journal, have been made:

ER0267

1. In the Chambers amendment, AM2169, adopted March 3, 1988, on page 1, line 13, the comma has been struck; and in line 17 "it" has been struck and "its" inserted.

2. On page 1, line 11, "to provide duties for state agencies as prescribed;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 1110 in the Journal. No objections. So ordered.

AM2146

(Amendments to AM1908)

1. On page 8, line 11, strike "or"; and in line 15 after "exchange" insert "; or (f) from a person who owns over fifty percent of the shares of an issuing public corporation and who acquired the shares prior to the effective date of this act".

RESOLUTION

LEGISLATIVE RESOLUTION 315. Introduced by Marsh, 29th District.

WHEREAS, the Lincoln Southeast High School Girls' Basketball Team defeated the Lincoln East High School Girls' Basketball Team in the Girls' State Class A semifinals on Friday, March 4, 1988; and

WHEREAS, the Lincoln Southeast High School Girls' Basketball Team members played with exemplary skill and sportsmanship; and

WHEREAS, the team's coach, John Larsen, exhibited outstanding dedication to his team at a time of great personal tragedy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the Lincoln Southeast High School Girls' Basketball Team and recognizes their skill and sportsmanship.

2. That the Legislature commends Coach John Larsen for his dedication to the Lincoln Southeast High School Girls' Basketball Team.

3. That a copy of this resolution be sent to Coach John Larsen and the Lincoln Southeast High School Girls' Basketball Team.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 943 and 588.

MOTION - Place LB 1042 on General File

Messrs. Elmer and Barrett renewed their pending motion found in the Journal on page 1161 to advance LB 1042 to General File pursuant to Rule 3, Section 19.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Higgins requested a record vote on the Elmer-Barrett motion to place LB 1042 on General File.

Voting in the affirmative, 29:

Baack	Chambers	Hefner	Landis	Rogers
Barrett	Coordsen	Johanns	Langford	Schellpeper
Bernard-Stevens	Dierks	Johnson, R.	Lynch	Schmit
	Elmer	Korshoj	Miller	Scofield
Beyer	Goodrich	Labedz	Peterson	Wehrbein
Campbell	Haberman	Lamb	Remmers	Weihing

Voting in the negative, 14:

Abboud	Hall	Johnson, L.	Pirsch	Wesely
Ashford	Hannibal	Johnson, V.	Smith	Withem
Conway	Hartnett	Moore	Warner	

Present and not voting, 6:

Chizek	Marsh	McFarland	Morehead	Nelson
Higgins				

The Elmer-Barrett motion prevailed with 29 ayes, 14 nays, and 6 present and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Hall's birthday.

SELECT FILE

LEGISLATIVE BILL 1157. E & R amendments, AM5371, found in the Journal on page 1192 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1034. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1146. E & R amendments, AM5372, found in the Journal on page 1193 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1169. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1170. E & R amendments, AM5373, found in the Journal on page 1193 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 165. E & R amendments, AM5370, found in the Journal on page 1193 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1077. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 970. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1093. E & R amendment, AM5365, found in the Journal on page 1194 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1114. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 948. E & R amendment, AM5374, found in the Journal on page 1194 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1078. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1136. E & R amendments, AM5375, found in the Journal on page 1194 for the Thirty-Ninth Day were adopted.

Mr. Baack withdrew his pending amendment, AM2326, found in the Journal on page 1158.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 969. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 826. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 912. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1130. E & R amendments, AM5376, found in the Journal on page 1195 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1220. E & R amendments, AM5380, found in the Journal on page 1195 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 977. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1174. E & R amendments, AM5377, found in the Journal on page 1195 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 973. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 1103. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 1103A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1142. E & R amendments, AM5384, found in the Journal on page 1196 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1193. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1197. E & R amendments, AM5378, found in the Journal on page 1196 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1038. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 1159. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 897. E & R amendments, AM5381, found in the Journal on page 1197 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 903. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 901. E & R amendments, AM5385, found in the Journal on page 1197 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 909. E & R amendments, AM5366, found in the Journal on page 1198 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 929. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1126. E & R amendment, AM5382, found in the Journal on page 1198 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 817. E & R amendment, AM5383, found in the Journal on page 1198 for the Thirty-Ninth Day was adopted.

Mr. Lamb withdrew his pending amendment found in the Journal on page 1173.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 8, 1988, at 10:45 a.m., were the following bills: 943 and 588.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

AM2379

1. Insert the following new sections:

"Sec. 2. That section 84-133, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-133. (1) There is created a Governor's Policy Research Office in the executive branch of state government. The Governor's Policy Research Office shall consist of the Governor, a Director of Policy Research who shall be appointed by the Governor and serve at his or her pleasure, and such other employees as are appointed by the Director of Policy Research to achieve the purposes of sections 84-131 to 84-141 and for which adequate funding is available.

(2) The Governor, through the Governor's

Policy Research Office, shall encourage coordination of policy development in state government, inquire into the methods of policy and program development in state government, and provide adequate systems of records for policy development purposes and may prescribe the institution and uses of standards for effective state agency policy development.

(3) The Governor may direct any state department, agency, or institution of state government to furnish the Governor's Policy Research Office with such information, personnel, equipment, and services as are necessary to enable it to carry out its responsibilities and duties and to prescribe the terms thereof, including reimbursement of costs thereof, if any.

(4) The Governor shall be permitted to appoint the Director of Policy Research to serve as an ex officio, nonvoting member of any committee, commission, council, or other similar organization of a state agency, department, institution, or group of such bodies that is concerned with planning, research, or policy development. Opportunities for such representation on any public, nonfederal, regional bodies concerned with planning or research and operating wholly or partially within Nebraska shall also be provided when requested by the Governor. The Director of Policy Research may in turn delegate such membership to his or her staff or to an appropriate official of another state agency. The state, interstate, and regional organizations mentioned in this subsection shall make any necessary organizational adjustments to receive the ex officio member if requested to do so by the Governor.

(5) The Governor may delegate any of his or her powers, duties, and responsibilities as conferred by sections 84-131 to 84-141 to the Director of Policy Research.

(6) There is hereby created a fund to be known as the Governor's Policy Research Office Revolving Fund. All money credited to the fund shall be used by the Governor's Policy Research Office to enable it to carry out its statutory responsibilities and duties in research and policy development. 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. 3. (1) Wherever the phrase Policy Research Office appears in sections 2-15,100, 2-3277, 2-4725, 19-4617, 58-241, 79-4,140.08, 81-1201.08, 81-1423, 84-134, 84-135, 84-136, 84-137, 84-139 to 84-141, 84-161, and 85-975, the Revisor of Statutes shall substitute the phrase Governor's Policy Research Office.

(2) Wherever the phrase Policy Research Cash Fund appears in section 84-135, the Revisor of Statutes shall substitute the phrase Governor's Policy Research Cash Fund.".

2. On page 3, line 12, after "the" insert "Governor's".

3. On page 4, line 16, strike "section 81-1316" and insert "sections 81-1316 and 84-133"; and in line 17 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 940 in the Journal. No objections. So ordered.

AM2417

(Amendments to AM2185)

1. On page 1, strike beginning with "thirteen" in line 4 through "Committee" in line 6 and insert "sixteen members including: (1) Three members of the Legislature; (2) two individuals from higher education with expertise in the area of school finance"; and in line 16 strike "(5)" and insert "(1), (2), and (4)".

RESOLUTION

LEGISLATIVE RESOLUTION 316. Introduced by Haberman, 44th District.

WHEREAS, farming has become steadily more complex requiring the farmer to be an agriculturalist, a conservationist, and a businessman; and

WHEREAS, Jerry and Kathy Kuenning of Imperial, Nebraska, received the Nebraska Outstanding Young Farmer Award and were

recognized as one of four National Outstanding Young Farmers for 1988; and

WHEREAS, the Outstanding Young Farmer Program has been conducted by the United States Jaycees for thirty-two years; and

WHEREAS, the Nebraska Jaycees seek to promote a better understanding between urban and rural America by honoring those young farmers who have made significant contributions to agriculture and to their community, state, and nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends Jerry and Kathy Kuenning for receiving national recognition in the Outstanding Young Farmer Program.

2. That the Clerk of the Legislature send a copy of the resolution to Keith Rexroth, HC 77 Box 32, Dalton, Ne 69131.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Johanns asked unanimous consent to have her name added as co-introducer to LB 1110. No objections. So ordered.

VISITORS

Visitors to the Chamber were Kay Schroeder and Elise Nielsen; and Dave and Susie Nielsen from Plattsmouth.

RECESS

At 11:49 a.m., on a motion by Mr. Barrett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Miller and Mrs. Morehead who were excused; and Messrs. Abboud, Barrett, Bernard-Stevens, Hannibal, L. Johnson, Lynch, McFarland, Moore, Mesdames Higgins, and Marsh who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 90. Placed on Select File as amended.
E & R amendments to LB 90:
AM5391

1. In lieu of the Scofield amendment adopted March 7, 1988, found on page 1202 of the Journal:

a. On page 5, before line 22, insert the following new subdivision:

"(9) The court may order an independent examination by a psychologist or psychiatrist if the defense attorney requests the opportunity to rebut the showing of compelling need produced by the prosecuting attorney. Such examination shall be conducted in the child's county of residence."; and

b. Renumber the remaining subdivisions accordingly.

2. On page 1, line 6, strike "provide for" and insert "authorize".

3. On page 2, line 11; and page 5, line 21, after the first "the" insert "Nebraska".

4. On page 2, lines 11 to 12; and page 5, line 21, strike "of the State of Nebraska".

5. On page 5, line 12, strike "was" and insert "is".

LEGISLATIVE BILL 1105A. Placed on Select File.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mrs. Morehead asked unanimous consent to have her name withdrawn as co-introducer to LB 664. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 913. Title read. Considered.

Standing Committee amendment, AM1778, found in the Journal on page 554 for the Fifteenth Day was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Conway offered the following amendment:
AM2436

1. Insert the following new sections:

"Sec. 3. Sections 1 and 4 of this act shall become operative on March 1, 1989. The other sections of this act shall become operative on their effective date.

Sec. 4. That original section 8-820, Revised Statutes Supplement, 1986, is repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 3, strike beginning with "and" in line 21 through "are" in line 22 and insert "is".

3. Renumber the remaining section accordingly.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

SPEAKER BARRETT PRESIDING

The Conway amendment was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 1041 in the Journal. No objections. So ordered.

Amendment to AM2250

PURPOSE: To provide funding for the Nebraska College of Technical Agriculture, LB 1042 ($1,400,000).
AMENDMENT: On page 26, line 16, strike "9,301,167" and insert "7,901,167".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1174 in the Journal. No objections. So ordered.

AM2418

1. Insert the following new sections:

"Section 1. That section 49-1401, Revised Statutes Supplement, 1987, be amended to read as follows:

49-1401. Sections 49-1401 to 49-14,138 and sections 5 and 6 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act. After July 17, 1986, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07.

Sec. 4. That section 49-1492, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1492. (1) No person shall be employed as a lobbyist for compensation contingent in any manner upon the outcome of an administrative or legislative action.

(2) No person shall instigate the introduction of legislation for the purpose of obtaining employment in opposition thereto.

(3) No person shall attempt to influence the vote of the legislators on any matters pending or to be proposed by the promise of financial support or the financing of opposition to his candidacy at any future election.

(4) No person shall engage in practices which reflect discredit on the practice of lobbying or on the Legislature.

(5) No elected official of a political subdivision may lobby for any principal other than such political subdivision.

(6) ~~(5)~~ Any person violating ~~the provisions of~~ this section shall be guilty of a Class III misdemeanor.

Sec. 5. A lobbyist for a political subdivision shall advise the political subdivision of the names of other clients and the existence and likelihood of any conflicts between the positions of such clients and the position of the political subdivision. The lobbyist shall not represent any other client without the prior approval of the political subdivision.

A lobbyist for a political subdivision shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with lobbying for

the political subdivision. If, in the judgment of the political subdivision, a legislative position taken by the political subdivision conflicts with the interest of another client of the lobbyist, the lobbyist shall disqualify himself or herself from representing the political subdivision on such issue. The political subdivision may require reasonable recompense from the lobbyist for such disqualification.

Sec. 6. For purposes of section 49-1492 and sections 5 and 6 of this act, political subdivision shall include the University of Nebraska.".

2. On page 4, line 24, strike "and" and insert a comma; and in line 25 after the first comma insert "and 49-1492," and after the last comma insert "and section 49-1401, Revised Statutes Supplement, 1987,".

3. Renumber remaining sections accordingly.

Mr. Miller asked unanimous consent to print the following amendment to LB 294 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2449.)

Mr. Elmer asked unanimous consent to print the following amendment to LB 1042 in the Journal. No objections. So ordered.

On page 6, after Line 1, insert the following:
"The balance existing in the Nebraska College of Technical Agriculture Scholarship Trust Fund on June 30, 1988, is hereby reappropriated."

Mr. Lamb asked unanimous consent to print the following amendment to LB 1041 in the Journal. No objections. So ordered.

AM2448

(Amendments to Standing Committee amendments)

1. Insert the following new amendment:

"56. Insert the following new section:

'Sec. 83. There is hereby appropriated $150,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Department of Roads, for Program 305, to provide assistance for intercity bus service. Such funds shall be utilized to provide aid

for rural bus transportation services between Omaha and Chadron. As funds appropriated by this section are utilized to provide rural bus transportation services, such funds shall be matched with funds from local sources. The local match shall be on the basis of one dollar for each three dollars received.'.".

2. Renumber remaining amendments accordingly.

GENERAL FILE

LEGISLATIVE BILL 1110. Title read. Considered.

Standing Committee amendments, AM1908, printed separate from the Journal and referred to on page 765 for the Twenty-Third Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1083. Title read. Considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Baack renewed his pending amendment, AM2432, found in the Journal on page 1236.

Mr. Dierks 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. Baack moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Landis requested a roll call vote on the Baack amendment.

Voting in the affirmative, 25:

Baack	Bernard-Stevens	Campbell	Dierks	Hannibal
		Conway	Hall	Johanns

Johnson, R.	Langford	Nelson	Smith	Weihing
Johnson, V.	Lynch	Pirsch	Warner	Wesely
Labedz	Marsh	Scofield	Wehrbein	Withem
Landis	Moore			

Voting in the negative, 13:

Ashford	Chizek	Haberman	Korshoj	Rogers
Barrett	Coordsen	Hefner	Remmers	Schellpeper
Beyer	Goodrich	Johnson, L.		

Present and not voting, 6:

Chambers	Hartnett	Higgins	Lamb	Peterson
Elmer				

Excused and not voting, 5:

Abboud	McFarland	Miller	Morehead	Schmit

The Baack amendment was adopted with 25 ayes, 13 nays, 6 present and not voting, and 5 excused and not voting.

PRESIDENT NICHOL PRESIDING

The Chair declared the call raised.

Pending.

ANNOUNCEMENT

Mr. Warner announced the Committee on Appropriations will meet on Wednesday, March 9, 1988 at 8:50 a.m., in Room 1003, in executive session.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 294 in the Journal. No objections. So ordered.

AM2423

(Amendments to Standing Committee amendments, AM1450)

1. On page 1, line 6, strike "A", show as stricken, and insert "Except as provided in subsection

(3) of this section, a".

2. On page 2, after line 13, insert the following new subsection:

"(3) For all taxable years beginning or deemed to begin on or after January 1, 1989, and for each taxable year thereafter, the tax imposed pursuant to subsection (1) of this section shall be reduced by fourteen and two-sevenths percent. For all taxable years beginning or deemed to begin on or after January 1, 1996, there shall be no corporate tax imposed pursuant to this section."; and in line 14 strike "(3)" show as stricken, and insert "(4)".

Mr. Withem asked unanimous consent to print the following amendment to LB 940A in the Journal. No objections. So ordered.

AM2445

1. Insert the following new section:

"Sec. 2. There is hereby appropriated $100,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Legislative Council, for Program 126, to aid in carrying out the provisions of Legislative Bill 940, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $50,000 for the period July 1, 1988, to June 30, 1989.".

Messrs. Schmit, Landis, Conway, Lynch, Haberman, Weihing, Goodrich, and Hall asked unanimous consent to print the following amendment to LB 703 in the Journal. No objections. So ordered.

AM2157

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 8-157, Revised Statutes Supplement, 1987, be amended to read as follows:

8-157. (1) No bank shall maintain any branch bank, and except as provided in subsections (2) to (5) of this section and section 8-122.01, 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 or detached office~~ and (b) any bank may establish and maintain not more than five detached auxiliary offices at which all banking transactions allowed by law may be made. Such 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 auxiliary offices shall locate one of such offices within three miles of the premises specified as its place of business in its charter. No auxiliary office shall be located within three hundred feet of another bank or within fifty feet of another auxiliary office.~~ Any detached auxiliary office established and maintained by a bank pursuant to the acquisition or merger of an institution under sections 8-1506 to 8-1510 shall not count against the number or location of detached auxiliary offices permitted under this section.

(3) With the approval of the director, a bank may acquire another bank in Nebraska as the result of a purchase or merger so long as the acquired bank has been chartered for more than ~~three years~~ one year and the acquired institution and its detached auxiliary offices are converted to auxiliary offices of the acquiring bank. Such auxiliary offices shall not count against the number of locations of detached auxiliary offices permitted under subsections (1) and (2) of this section.

(4) With the approval of the director and subject to the limitations specified in this subsection, a single bank may establish one detached auxiliary office within the corporate limits of any municipality in which a financial institution has closed and ceased doing business within the preceding two years if no

other financial institution operates an office within such municipality. If thirty days or less have elapsed since the financial institution ceased operation, the director shall only approve the establishment of a detached auxiliary office by a bank which has its place of business, as specified in its charter, in the same county as or in a contiguous county to the county in which such municipality is located. If more than thirty days have elapsed since the financial institution ceased operation, the director may approve the establishment of a detached auxiliary office by any bank located within Nebraska.

For the purposes of this subsection:

(a) An unmanned electronic terminal shall not be deemed to be an office operated by a financial institution; and

(b) Financial institution shall mean a bank, savings bank, building and loan association, savings and loan association, industrial loan and investment company, credit union, or other institution offering electronic terminal transactions.

(5) The name given to any detached bank or branch bank established and maintained pursuant to this section shall not be substantially similar to the name of any existing bank or branch bank which is unaffiliated with the newly created bank or branch bank and is located in the same municipality. The name of such newly created bank or branch bank shall be approved by the director.

Sec. 2. That section 8-903, Revised Statutes Supplement, 1986, be amended to read as follows:

8-903. It shall be unlawful for any action to be taken after March 12, 1963, which results in a company becoming a bank holding company as defined in section 8-902. Nothing in sections 8-901 to 8-904 shall prohibit (1) a bank holding company or a company which owns only one bank which is not a bank holding company as defined in section 8-902, (2) a bank holding company as defined in section 8-1202, or (3) an out-of-state bank holding company as defined in 12 U.S.C. 1842(d) as it exists on August 26, 1983, and which on March 12, 1963, owned at least two banks in this state from directly or indirectly owning or controlling more than twenty-five percent of the voting shares of any bank or

the power to control in any manner the election of a majority of the directors of any bank unless upon such acquisition the banks so owned or controlled would have deposits greater than an amount equal to eleven percent of the total deposits of all banks in this state plus the total deposits, savings accounts, passbook accounts, and shares in savings and loan associations and building and loan associations in this state as determined by the Director of Banking and Finance on the basis of the most recent calendar yearend reports. If any person, association, partnership, or corporation owns twenty-five percent or more of the voting stock of any bank holding company acquiring a bank and any such person, association, partnership, or corporation owns twenty-five percent or more of the voting stock of any other bank or bank holding company in Nebraska, then the total deposits of such other bank or banks and of all banks owned or controlled by such bank holding company shall be included in the computation of the total deposits of a bank holding company acquiring a bank. Except as provided in subsection (3) of section 8-157, no bank holding company shall be allowed to own or control more than nine banks located in the State of Nebraska at any time after August 26, 1983. A bank holding company, including an out-of-state bank holding company, may not acquire any bank which has been chartered by this state or the Comptroller of the Currency of the United States of America for less than ~~five years~~ one year. A bank which acquires and holds all or substantially all of the voting stock of one newly established bank under sections 8-1512 and 8-1513 shall not have such acquisition count against the total deposit limitation or bank acquisition limitation imposed by this section, nor shall such acquisition be limited, restricted, or disallowed by any other prohibition imposed by this section. A bank holding company which acquires an institution or which forms a bank which acquires an institution under sections 8-1506 to 8-1510 shall not have such acquisition or formation count against the total deposits limitation or bank acquisition limitation imposed by this section, nor shall such acquisition or formation be limited, restricted, or disallowed by any other prohibition imposed by this section, except that any such

acquisition which occurs under sections 8-1506 to 8-1510 after July 1, 1987, shall count against the total deposits limitation and the total bank acquisition limitation imposed by this section.

Sec. 3. That original section 8-157, Revised Statutes Supplement, 1987, and section 8-903, Revised Statutes Supplement, 1986, 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.".

The Business and Labor Committee asked unanimous consent to print the following amendment to LB 1041 in the Journal. No objections. So ordered.

AM2447

(Amendments to Standing Committee amendments, AM2250)

1. On page 1, strike beginning with "This" in line 20 through line 21 and insert quotation marks and a period.

2. On page 2, strike lines 1 and 2.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 672, 821, 834, 842, 864, 939, 961, 1010, 1045, 1046, 1051, 1064, and 1127.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 842

The following changes, required to be reported for publication in the Journal, have been made:

ER0275

1. On page 3, line 4, "section" has been struck and "act" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 317. Introduced by Langford, 36th District.

WHEREAS, on March 5, 1988, the Gibbon Lady Buffalo basketball team won the Class C-1 state tournament and were crowned Nebraska C-1 Girls State Basketball Champions; and

WHEREAS, Coach Larry Bleach and Assistant Coaches Paul Reinertson and Carolyn Thiele have instilled in the team a competitive spirit and exemplary sportsmanship and guided the athletic skills of the team to a successful season; and

WHEREAS, Coach Bleach and the Gibbon Lady Buffalo basketball team have had an outstanding season and demonstrated teamwork by achieving a 25 - 0 record; and

WHEREAS, the team members and Coaches Bleach, Reinertson, and Thiele deserve special recognition for their state title.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the Gibbon Lady Buffalo basketball team and recognizes the team as the 1988 Nebraska C-1 Girls State Basketball Champions.

2. That Coach Larry Bleach and Assistant Coaches Paul Reinertsons and Carolyn Thiele be congratulated for their fine efforts.

3. That the Clerk of the Legislature send a copy of this resolution to Gibbon High School for presentation to the team.

Laid over.

MESSAGES FROM THE GOVERNOR

March 8, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 943 was received in my office on March 8, 1988.

This bill was signed by me on March 8, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

March 8, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 588 was received in my office on March 8, 1988.

This bill was signed by me on March 8, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

GENERAL FILE

LEGISLATIVE BILL 1083. Mr. Haberman withdrew his pending amendment, AM2340, found in the Journal on page 1234.

Mr. Remmers moved to indefinitely postpone LB 1083.

Laid over.

LEGISLATIVE BILL 888. Title read. Considered.

Ms. Scofield and Mr. Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch renewed her pending amendment, AM2300, found in the Journal on page 1166.

The Pirsch amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 888.

Mr. Ashford 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 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 19:

Baack	Chambers	Hall	Korshoj	Nelson
Bernard-Stevens	Conway	Higgins	Landis	Smith
	Coordsen	Johanns	Lynch	Warner
Campbell	Dierks	Johnson, V.	Marsh	Withem

Voting in the negative, 18:

Barrett	Hefner	Langford	Pirsch	Schmit
Beyer	Johnson, L.	McFarland	Remmers	Wehrbein
Chizek	Johnson, R.	Moore	Rogers	Weihing
Goodrich	Labedz	Peterson		

Present and not voting, 5:

Elmer	Hannibal	Hartnett	Schellpeper	Wesely

Excused and not voting, 7:

Abboud	Haberman	Miller	Morehead	Scofield
Ashford	Lamb			

The Chambers motion to indefinitely postpone prevailed with 19 ayes, 18 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 1100 in the Journal. No objections. So ordered.

AM2451

(Amendments to AM2310)

1. Strike sections 80 and 81 and insert the following new section:

"Sec. 80. That section 71-1,258, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,258. (1) A person shall be qualified to be a certified master social worker if he or she (a) has a doctorate or a master's degree in social work from an approved educational program, (b) has had a minimum of at least three thousand hours of experience, in addition to the master's or doctorate degree, in social work under the supervision of a certified master social worker, (c) provides evidence to the board that he or she meets the requirements of subdivisions (1)(a) and (1)(b) of this section, and (d) satisfactorily passes an examination approved by the board. The department, upon the recommendation of the board, may adopt and promulgate rules and regulations defining the experience required under subdivision (1)(b) of this section.

(2) A person shall be qualified to be a certified social worker if he or she (a) has a baccalaureate or master's degree in social work (i) from an approved educational program or (ii) from any program of social work education and training in a college in Nebraska in which the person was enrolled between July 17, 1983, and October 1, 1987, if the person applies to the department for a certificate by October 1, 1990, and (b) provides evidence to the board of his or her professional education.".

2. On page 22, line 11, strike "85, 92, and 133" and insert "84, 91, and 132".

3. On page 23, line 8, strike "71-1,260,".

4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 942. Title read. Considered.

Standing Committee amendments, AM2009, found in the Journal on page 827 for the Twenty-Sixth 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, 1 nay, 14 present and not voting, and 8 excused and not voting.

ADJOURNMENT

At 5:08 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Thursday, March 10, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 10, 1988

LEGISLATIVE JOURNAL

FORTY-FIRST DAY - MARCH 10, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 10, 1988

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Saunda King, Presbyterian Church of the Master, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Morehead who was excused; and Messrs. Ashford, Bernard-Stevens, Conway, Haberman, Hall, Hannibal, R. Johnson, V. Johnson, Korshoj, Moore, Mesdames Higgins, and Johanns who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1271, after line 28, insert "Amendment to AM2250".
The Journal for the Fortieth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 88, 165, 819, 863, 863A, 933, 948, 958, 970, 984, 1013, 1013A, 1033, 1034, 1054, 1077, 1078, 1093, 1114, 1136, 1146, 1157, 1169, and 1170.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 88

The following changes, required to be reported for publication in the Journal, have been made:
ER0273

1. In the McFarland amendment, AM2414, adopted March 7, 1988, on page 1, line 3, "Witnesses" has been struck and "Any witness" inserted; in line 8 the comma has been struck and "or" inserted; and in line 9 the comma has been struck.

2. In the Hall amendment, AM2192, adopted March 7, 1988, on page 1, line 2, "does" has been struck and "shall" inserted.

3. In the Smith amendment adopted February 9, 1988, found on page 757 of the Journal, the comma after the last "imminent" has been struck.

4. On page 12, line 17, "is" has been struck and "shall be" inserted.

Enrollment and Review Change to LB 933

The following changes, required to be reported for publication in the Journal, have been made:
ER0276

1. On page 5, line 18, "of this section" has been inserted after "(1)".

Enrollment and Review Change to LB 984

The following changes, required to be reported for publication in the Journal, have been made:
ER0277

1. On page 1, the matter beginning with "change" in line 3 through "to" in line 4 has been struck; and in line 5 "by such transfers" has been struck and "secured by transfers in trust as prescribed" inserted.

Enrollment and Review Change to LB 1078

The following changes, required to be reported for publication in the Journal, have been made:
ER0279

1. On page 4, line 6, "the" has been inserted after "for" and "in of" has been inserted after "phasing"; and in line 7 "in" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINIONS

Opinion No. 88019

DATE: March 4, 1988

SUBJECT: (1) Whether LB 1225 unlawfully delegates power which is reserved to the Legislature; and
(2) Whether LB 1225 permits the creation of a special board of education in violation of the "one man-one vote" rule?

REQUESTED BY: Senator Ron Withem
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

If enacted into operative law, LB 1225 of the Ninetieth Legislature, Second Session (1988) would amend certain statutes and provide procedures whereby Class I school district, or portions thereof, may combine with a Class II, III, IV, or V school district to create an affiliation of school districts. The stated procedures include the filing of a petition with the county superintendent signed by not less than a stated percentage of the legal voters of the Class I school district. The petition, pursuant to section 6 of LB 1225, shall include:

(a) A description of the proposed boundaries of the affiliation of school districts and the legal name by which the affiliation shall be known;

(b) A map of the area described in (a) above;

(c) A specification of the grade levels to be provided by the affiliation of school districts;

(d) Specific accounting procedures to be used by the affiliation of school districts to differentiate the expenditures of the parent Class II, III, IV, or V school district for those grades not provided by the affiliation from the expenditures of the affiliation of school

districts for facilities, staff, administrative costs, transportation expenses, if any, debt service, and any other costs;

(e) Transportation plans, if any, will be provided;

(f) The number of board members to constitute the special board of education of the affiliation of school districts and the number of board members who shall come from the parent district and the number of members who shall come from affiliate districts or portions thereof;

(g) A statement of presumed value of the assets owned by the parent Class II, III, IV, or V school district to be used whether in whole or in part for the delivery of services for the affiliation of school districts (but no statement of presumed value of the assets owned by the Class I school district need be stated); and

(h) The existing bonded indebtedness, if any, which will be assumed by the affiliation of school districts.

Other procedures in LB 1225 include the acceptance or rejection of the petition by the board of education of the Class II, III, IV or V school district and certain powers and duties of the special board of education of an affiliation of school districts authorized by this legislative bill. The questions submitted are discussed in the order stated.

A STATUTE REPOSING, IN EFFECT, AN ABSOLUTE UNREGULATED AND UNDEFINED DISCRETION IN THE CREATION OF A POLITICAL OR GOVERNMENTAL SUBDIVISION UNLAWFULLY DELEGATES LEGISLATIVE POWER.

A proposal to create an affiliation of school districts is initiated, as noted above, by a petition which must include, among other things, the number of board members to constitute the special board of education of the affiliation of school districts and the number of board members who shall come from the parent Class II, III, IV, or V school district and the number of board members who shall come from the Class I school districts who would affiliate with the parent school district pursuant to the proposal. See, section 6(2)(g) of LB 1225. It is to be noted that the minimum and maximum number of members of a special board of education of an affiliation of school districts is not stated in LB 1225, but is left to the absolute unregulated discretion of those who propose the creation of an affiliation of school districts. Likewise, the number of members of the special board of education who are to come from the parent Class II, III, IV or V school district is not stated in LB 1225, nor is the number of members of the special board of education who are to come from the affiliate Class I school districts stated. In each case, the number who are to come from each class of school districts is left

to the absolute unregulated discretion of those who propose the creation of an affiliation of school districts. This absolute and unregulated discretion is, in our opinion, an impermissible delegation of legislative power. See, Terry Carpenter, Inc. v. Nebraska Liquor Control Commission, 175 Neb. 26, 120 N.W.2d 374 (1963). Accordingly, we are of the opinion that section 6(2)(g) of LB 1225 violates Article II, section 1, of the Constitution of Nebraska.

THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT REQUIRES SUBSTANTIAL EQUALITY IN POPULATION AMONG VOTING DISTRICTS OF A POLITICAL SUBDIVISION.

As noted above, a petition which proposes the creation of an affiliation of school districts must include, among other things, the number of board members which constitutes the special board of education of the affiliation of school districts and the number of board members who shall come from the parent Class II, III, IV, or V school district and the number of board members who shall come from the Class I school district(s) who would affiliate with the parent school district pursuant to the proposal. The actual number of each is left to the absolute unregulated discretion of those who initiate the proposal.

It is well established law that the constitutionality of a statute is to be tested, not by what has been done or may be done under it, but what the law authorizes to be done under its provisions. City of Beatrice v. Wright, 72 Neb. 689, 101 N.W. 1039 (1904); Anderson v. Carlson, 171 Neb. 741, 107 N.W.2d 535 (1961). Application of that legal principle to LB 1225 discloses that an individual(s) who initiates a petition to create an affiliation of school districts could designate in the petition a particular Class III school district with a population of 15,000 people shall have 15 members on the special board of education and the Class I school district(s) with a combined population of 3,000 people who would be given the opportunity to affiliate with the parent Class III school district is to have but 2 members on the special board of education.

To state the obvious, pursuant to LB 1225, the members of the special board of education represent different classes of school districts which are not of equal population. The problem here is compounded by the fact that members of the special board of education are chosen by elected local boards of education which represent school districts of unequal population. This is not a case where candidates must be residents of certain districts which may contain an unequal number of people but who are elected at large. Nor is this a case where elected local school boards send a delegate to a biennial meeting and those delegates elect a county board which

performs essentially administrative functions. Rather, LB 1225 contemplates the exercise of governmental powers by a special board of education of an unknown number who are chosen by the elected governing bodies of school districts of unequal population which comprise the affiliation. Class I school districts have local elected boards of education of either three or six members. Neb.Rev.Stat. §§79-601 and 79-601.01 (Reissue 1986). LB 1225 grants the unknown total combined membership of all the elected boards of education of Class I school districts which are affiliated the power and duty to choose from their membership a statutory unknown unregulated number of members to serve on the special board of education which governs the affiliation. A Class II, III, IV or V school district has an elected local board of education of either six, seven, nine or twelve members, some of whom may be elected from districts within the parent school district. Neb.Rev.Stat. §§79-601, 79-601.01, 79-701, 79-803, 79-803.07, 79-902.01 and 79-1003 (Reissue 1986). Members of the elected board of education of a parent Class II, III, IV or V school district likewise have the power and duty to choose from their members a statutory unknown unregulated number of members to serve on the special board of education. Query, does LB 1225 violate the Fourteenth Amendment?

In our opinion, a qualified elector is no more nor less so because he or she lives in the city or on the farm. Indeed, that is an essential concept of a government of laws and not men. To the extent that a citizen's right to vote is debased or diluted, he or she is that much less a citizen. Thus the Fourteenth Amendment grants voters the right to have their votes given the same weight as other voters. Wessberry v. Sanders, 376 U.S. 1, 11 L.Ed.2d 481, 84 S.Ct. 526 (1964). Here, the total number of members elected to the local boards of the affiliate Class I school districts may, and in some situations will, exceed the number of board members elected to the board of a parent Class II, III, IV or V school district yet in some situations the total combined population of the affiliate Class I school districts will be less than the population of the parent school district. Moreover, the board members of the local Class I school districts which affiliate could, pursuant to LB 1225, choose a greater number of members to serve on the special board of education of the affiliated school district than the board members of the parent Class II, III, IV or V school board will be permitted to choose. That, in our opinion, violates the "one man-one vote" rule.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

20-21-2

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

Opinion No. 88020

DATE: March 7, 1988

SUBJECT: Whether LB 1097 Unconstitutionally Delegates Legislative Authority

REQUESTED BY: Senator Don Wesely, Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Yvonne E. Gates, Assistant Attorney General

You have requested our opinion on two questions concerning LB 1097. First, does this bill provide an unlawful delegation of legislative authority by allowing an eye care professional to determine whether an applicant who fails to meet minimum visual standards should obtain a driver's license? Second, is the legislation unconstitutionally vague because it does not provide sufficient guidelines for the eye care professional to apply in making the determination? The answer to both questions is yes, LB 1097 is unconstitutional.

Regulating the use of public roadways and protecting the public safety on those roadways is a proper exercise of the state's police power. Schultz v. State, 89 Neb. 35, 130 N.W. 972 (1911). While practical administration may require delegation of that responsibility, it has long been established that the legislature may not delegate legislative functions to private individuals. Rowe v. Ray, 123 Neb. 118, 23d N.W. 689 (1930). In Fulmer v. Jensen, 221 Neb. 582, 379 N.W.2d 736 (1986), the Nebraska Supreme Court recognized that powers delegated to a governmental agency by the legislature could be further delegated to agency subordinates and assistants "... to any extent, so long as the agency preserves for itself the right to make the final decision." Id, at 585 quoting 2 Am.Jur. 2d §224 at 54-55.

As originally drafted, LB 1097 clearly delegates the final decision regarding the issuance of the license to any doctor or optometrist, allowing that professional to stipulate what restrictions, if any, are to be placed on the license. The amendment by the Transportation

Committee requires that an ophthalmologist issue the certificate. Additionally, it places the final decision back in the agency by requiring the individual to satisfactorily complete a drive test before the license can be issued. However, neither version of the bill overcomes the obstacle addressed in your second question.

LB 1097 is invalid because neither it nor any other statute in pari materia with it contain any limitation or standards for the determination of safe visual acuity. Neb.Rev.Stat. §60-406.06 requires the Director of Motor Vehicles to adopt such rules and regulations as may be necessary to carry out the provisions of the Motor Vehicle Operator's License Act. On that authority the Department has set the standards of eyesight required for issuance of the license. By permitting eye care professionals to issue certificates for individuals who otherwise could not obtain a license, LB 1097 in effect obviates the standards. "A statute which in effect reposes an absolute unregulated and undefined discretion in an administrative body bestows arbitrary powers and is an unlawful delegation of legislative powers." School District No. 39 v. Decker, 159 Neb. 693, 700, 68 N.W.2d 354 (1955). Presuming that an ophthalmologist will exercise good judgment does not sustain the delegation of unregulated discretion to either a private individual or an administrative agency. If passed, LB 1097 would fail a constitutional challenge.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Yvonne E. Gates
Assistant Attorney General

13-5-10

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

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 1100 in the Journal. No objections. So ordered.

AM2456

(Amendments to AM2394)

1. On page 18, strike beginning with "A" in line 20 through line 24 and insert "A licensed intermediate care facility for the mentally retarded shall be required to apply for and receive a certificate

of need upon transfer to licensure as an intermediate care facility. If an intermediate care facility for the mentally retarded has its federal certification terminated, such facility shall have one hundred eighty days from the date of termination to place its clients in a licensed and federally certified facility.".

2. On page 19, strike beginning with "not" in line 1 through the first period in line 3.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 263 and LR 308.

RESOLUTIONS

LEGISLATIVE RESOLUTION 304. Read. Considered.

LR 304 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 305. Read. Considered.

LR 305 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 306. Read. Considered.

LR 306 was adopted with 13 ayes, 0 nays, and 36 not voting.

LEGISLATIVE RESOLUTION 307. Read. Considered.

LR 307 was adopted with 19 ayes, 0 nays, and 30 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem and Mrs. Nelson asked unanimous consent to print the following amendment to LB 890 in the Journal. No objections. So ordered.

AM2454

1. On page 2, line 25, strike "The", show as stricken, and insert paragraphing and "A representative from the".

2. On page 3, line 1, strike "and" and show

as stricken; in line 2 after "colleges" insert ", the independent colleges and universities, the Nebraska Coordinating Commission for Postsecondary Education, and the Department of Health"; and strike beginning with "and" in line 4 through line 7, show as stricken, and insert ". The committee shall develop a preliminary plan for nursing education by November 15, 1988, which shall include, but not be limited to: (1) The identification of current and future nursing education needs; (2) the identification of necessary procedures to better coordinate existing nursing programs and to coordinate new programs with existing programs; (3) the development of uniform procedures and formats for documenting program need, cost, impact on other programs, and availability of appropriate clinical experiences, and (4) the development of policies and procedures to promote maximum educational mobility and transfer of course credit between different levels of nursing education and licensure. A copy of the preliminary plan shall be delivered to the Nebraska Coordinating Commission for Postsecondary Education and the Board of Nursing by November 21, 1988. The commission and the board shall make comments regarding the plan and report such comments to the Education Committee and Appropriations Committee of the Legislature by January 16, 1989.

All new and existing nursing programs shall provide documentation concerning current and projected program need, cost, impact on other programs, availability of appropriate clinical experiences, policies and procedures for transfer of credit and educational mobility, and any other data required by the plan for nursing education. Documentation for existing programs shall be completed by December 31, 1989, or by the program review date established with the Nebraska Coordinating Commission for Postsecondary Education, whichever is later. Documentation shall be submitted to the appropriate institutional governing board and the Nebraska Coordinating Commission for Postsecondary Education and integrated into the plan for nursing education when available. Documentation for new programs shall be completed and submitted to the appropriate institutional governing board and the Nebraska Coordinating Commission for Postsecondary

Education before programs may be initiated. All documentation shall be made available to the public on request.

The joint advisory committee shall update the plan for nursing education as needed, but not less often than biennially. Existing programs shall redocument program need every five years beginning on December 31, 1989.".

3. Insert the following new sections:

"Sec. 3. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity 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.".

4. Renumber the remaining section accordingly.

MOTION - Suspend Rules

Mr. Lynch moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of LBs 657, 823, 963, 963A, 980, 980A, and LR 7CA on Final Reading today.

The Lynch motion prevailed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 657.

A BILL FOR AN ACT relating to property; to amend sections 76-107, 76-122, and 76-2,104, Reissue Revised Statutes of Nebraska, 1943; to provide a limitation on the duration of certain future interests and actions 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, 44:

Abboud	Conway	Hefner	Marsh	Schellpeper
Baack	Coordsen	Johanns	McFarland	Schmit
Barrett	Dierks	Johnson, L.	Miller	Scofield
Bernard-Stevens	Elmer	Johnson, R.	Moore	Smith
Beyer	Goodrich	Korshoj	Nelson	Warner
Campbell	Haberman	Lamb	Peterson	Wehrbein
Chambers	Hall	Landis	Pirsch	Weihing
Chizek	Hannibal	Langford	Remmers	Wesely
	Hartnett	Lynch	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Higgins Labedz

Excused and not voting, 3:

Ashford Johnson, V. Morehead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 963. With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend section 2-2309, Revised Statutes Supplement, 1986, and section 2-2311, Revised Statutes Supplement, 1987; to change the amount of excise tax imposed on wheat as prescribed; to provide for procedures for adjustments to the tax; 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:

Baack	Bernard-Stevens	Campbell	Conway	Goodrich
Barrett	Beyer	Chambers	Dierks	Hall
		Chizek	Elmer	Hartnett

Hefner	Landis	Miller	Remmers	Smith
Johanns	Langford	Moore	Rogers	Wehrbein
Johnson, L.	Lynch	Nelson	Schellpeper	Weihing
Korshoj	Marsh	Peterson	Schmit	Wesely
Lamb	McFarland	Pirsch	Scofield	Withem

Voting in the negative, 4:

Abboud	Coordsen	Haberman	Warner

Present and not voting, 4:

Hannibal	Higgins	Johnson, R.	Labedz

Excused and not voting, 3:

Ashford	Johnson, V.	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 963A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 963, Ninetieth Legislature, Second Session, 1988; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Conway	Higgins	Marsh	Schellpeper
Baack	Coordsen	Johanns	McFarland	Schmit
Barrett	Dierks	Johnson, L.	Miller	Scofield
Bernard-Stevens	Elmer	Johnson, R.	Moore	Smith
	Goodrich	Korshoj	Nelson	Warner
Beyer	Hall	Lamb	Peterson	Wehrbein
Campbell	Hannibal	Landis	Pirsch	Weihing
Chambers	Hartnett	Langford	Remmers	Wesely
Chizek	Hefner	Lynch	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Haberman Labedz

Excused and not voting, 3:

Ashford Johnson, V. 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 980.

A BILL FOR AN ACT relating to warehouses; to eliminate provisions requiring licensure of warehouses for the storage of goods and provisions relating to warehouse receipts; and to repeal sections 88-409 to 88-418, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Conway	Hefner	Marsh	Schellpeper
Baack	Coordsen	Johanns	McFarland	Schmit
Barrett	Dierks	Johnson, L.	Miller	Scofield
Bernard-Stevens	Elmer	Johnson, R.	Moore	Smith
Beyer	Goodrich	Korshoj	Nelson	Warner
Campbell	Haberman	Lamb	Peterson	Wehrbein
Chambers	Hall	Landis	Pirsch	Wesely
Chizek	Hannibal	Langford	Remmers	Withem
	Hartnett	Lynch	Rogers	

Voting in the negative, 0.

Present and not voting, 3:

Higgins Labedz Weihing

Excused and not voting, 3:

Ashford Johnson, V. Morehead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 980A.

A BILL FOR AN ACT relating to appropriations; to change an appropriation to carry out the provisions of Legislative Bill 980, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Coordsen	Johanns	Marsh	Schellpeper
Baack	Dierks	Johnson, L.	McFarland	Schmit
Barrett	Elmer	Johnson, R.	Miller	Scofield
Bernard-Stevens	Goodrich	Korshoj	Moore	Smith
	Haberman	Labedz	Nelson	Warner
Beyer	Hall	Lamb	Peterson	Wehrbein
Campbell	Hannibal	Landis	Pirsch	Weihing
Chambers	Hartnett	Langford	Remmers	Wesely
Chizek	Hefner	Lynch	Rogers	Withem
Conway				

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 3:

Ashford Johnson, V. Morehead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 7CA.

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 NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the primary election in May 1988 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:

CIII-7 "At the general election to be held in November~~,~~ 1964, ~~one half~~ 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. When ~~; 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~~ one thousand 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 and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~said~~ his or her 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:

"A constitutional amendment to increase the limitation on the salary of a state senator from four hundred dollars per month to one thousand dollars per month.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 43:

Baack	Dierks	Johanns	Marsh	Schellpeper
Barrett	Elmer	Johnson, L.	McFarland	Scofield
Bernard-Stevens	Goodrich	Johnson, R.	Miller	Smith
Beyer	Haberman	Korshoj	Moore	Warner
Campbell	Hall	Labedz	Nelson	Wehrbein
Chizek	Hannibal	Lamb	Peterson	Weihing
Conway	Hartnett	Landis	Pirsch	Wesely
Coordsen	Hefner	Langford	Remmers	Withem
	Higgins	Lynch	Rogers	

Voting in the negative, 1:

Abboud

Present and not voting, 2:

Chambers Schmit

Excused and not voting, 3:

Ashford Johnson, V. Morehead

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the primary election.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Baack, Bernard-Stevens, Beyer, Conway, Coordsen, Dierks, Elmer, Hall, Hannibal, Hartnett, Hefner, Korshoj, Lynch, McFarland, Moore, Peterson, Remmers, Rogers, Schellpeper, Warner, Wehrbein, Weihing, Wesely, Withem, Mesdames Campbell,

Higgins, Johanns, Labedz, Langford, Marsh, Nelson, Pirsch, Smith, and Ms. Scofield asked unanimous consent to have their names added as co-introducers to LR 7CA. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1040. Title read. Considered.

Standing Committee amendments, AM2253, found in the Journal on page 1167 for the Thirty-Eighth Day were adopted with 26 ayes, 0 nays, 21 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 bills and resolution: 657, 963, 963A, 980, 980A, and LR 7CA.

UNANIMOUS CONSENT - Member Excused

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1040. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1040A. Title read. Considered.

Mr. Chambers offered the following amendment:

Section 12: On page 15, line 19, strike "7,457" insert "43,325"; in line 20 strike "7,457" insert "43,325"; in line 22 strike "$6,638" insert "39,098" after line 23 insert the following:

"There is included in the appropriation to this program $35,868 to raise the Chairperson of the Board of Parole's salary to $45,000 annually, and each member of the Board of Parole's salary to $40,000 annually effective September 1, 1988."

On page 16, line 1, strike "7,832" and insert "43,700"; in line 2 strike "7,832" insert "43,700".

Mr. Withem 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 18 ayes, 1 nay, and 30 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Baack	Goodrich	Johnson, V.	Marsh	Schellpeper
Chambers	Hall	Labedz	McFarland	Schmit
Chizek	Hartnett	Landis	Nelson	Warner
Conway	Johanns	Lynch	Remmers	Weihing
Elmer	Johnson, R.			

Voting in the negative, 21:

Abboud	Dierks	Johnson, L.	Miller	Scofield
Barrett	Haberman	Korshoj	Moore	Smith
Bernard-Stevens	Hannibal	Lamb	Peterson	Wehrbein
	Hefner	Langford	Rogers	Wesely
Coordsen	Higgins			

Present and not voting, 2:

Beyer Campbell

Absent and not voting, 1:

Pirsch

Excused and not voting, 3:

Ashford Morehead Withem

The Chambers amendment lost with 22 ayes, 21 nays, 2 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Lamb and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 10, 1988, at 10:37 a.m., were the following bills: 657, 963, 963A, 980, and 980A.

(Signed) Pam Moravec, Enrolling Clerk

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 10, 1988, at 10:35 a.m., was the following resolution: LR 7CA.

(Signed) Pam Moravec, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 318. Introduced by Goodrich, 20th District.

WHEREAS, John Nogl is expected to graduate from West Point Military Academy; and

WHEREAS, John Nogl has received the Rhodes Scholarship; and

WHEREAS, the Rhodes Scholarships were created to motivate students to strive for superior scholastic records, character, leadership, and personal vigor; and

WHEREAS, the Rhodes Scholarship is awarded to enable students from other countries to study in Oxford; and

WHEREAS, seventy-five Rhodes Scholarships are awarded internationally per year, thirty-two in the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates John Nogl on his superior academic accomplishments and outstanding achievements.

2. That a copy of this resolution be presented to Mr. John Nogl.

3. That the Legislature congratulates John's parents, John and Judy Nogl of Omaha, and that a copy of this resolution be forwarded to them.

Laid over.

LEGISLATIVE RESOLUTION 319. Introduced by Goodrich, 20th District; L. Johnson, 15th District.

WHEREAS, William Howard graduated from Fremont High School; and

WHEREAS, William Howard graduated from West Point Military Academy; and

WHEREAS, William Howard has received the Hertz Fellowship; and

Whereas, the Hertz Fellowship was created to promote education and improve the defense potential of the United States by the training of qualified students; and

WHEREAS, the Hertz Fellowship is a Doctoral Fellowship study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates William Howard on his superior academic accomplishments and outstanding achievements.

2. That a copy of this resolution be presented to William Howard.

3. That the Legislature congratulates William's parents, Dave and Patricia Howard of Fremont, and that a copy of this resolution be forwarded to them.

Laid over.

LEGISLATIVE RESOLUTION 320. Introduced by Revenue Committee: V. Johnson, 8th District, Chairperson; Haberman, 44th District; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Peterson, 21st District; Rogers, 41st District; and Bernard-Stevens, 42nd District; Warner, 25th District; Scofield, 49th District.

WHEREAS, the Nebraska Legislature exempted from personal property taxation business inventory, farm livestock, grains and fertilizer, and farm machinery in the 1970's; and

WHEREAS, the United States Congress passed the Railroad Revitalization and Regulatory Reform Act of 1976 which prohibits

states and their political subdivisions from discriminating against railroads in matters of taxation; and

WHEREAS, the United States District Court ruled in Trailer Train Co. v. Leuenberger that Nebraska's imposition of the personal property tax on business equipment owned by a railroad company is discriminatory and in violation of the Railroad Revitalization and Regulatory Reform Act of 1976; and

WHEREAS, the United States District Court ruled that the state and its political subdivisions are prohibited from levying and collecting personal property taxes from Trailer Train Co. and its subsidiaries; and

WHEREAS, the ruling in Trailer Train Co. v. Leuenberger will result in a four-million-dollar loss in revenue to Nebraska's county governments; and

WHEREAS, Union Pacific Railroad, Burlington Northern Railroad, and Chicago & North Western Railroad have filed suit against the State of Nebraska claiming that the imposition of the personal property tax on business equipment owned by the railroad companies is discriminatory and in violation of the Railroad Revitalization and Regulatory Reform Act; and

WHEREAS, Nebraska political subdivisions stand to lose nine million dollars in property tax revenue if the railroads succeed in their suit; and

WHEREAS, other industries may file suit before Nebraska courts claiming unconstitutional nonuniform treatment in the taxation of their business equipment compared with the court-imposed exemption for Trailer Train Co. and its subsidiaries and that could result in the loss of over one hundred million dollars of personal property tax revenue to Nebraska political subdivisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges the United States Congress to consider the revenue impact on states and their political subdivisions when adopting tax legislation which impinges on the prerogative of the states and their political subdivisions to raise revenue.

2. That the Legislature urges the United States Congress to amend the Railroad Revitalization and Regulatory Reform Act of 1976 in one or more of the following manners:

a. Repeal section 306(1)(d) of the act which states that it is unlawful for a state or its political subdivisions to impose any other tax which results in discriminatory treatment of a common carrier by railroad subject to this section;

b. Amend section 306 (1)(d) of the act so that it does not apply to personal property taxes; and

c. Amend the definition of commercial and industrial property as used in section 306 to clarify that statutorily exempted property is to be excluded.

3. That a copy of this resolution be sent to each member of the Nebraska Congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 321. Introduced by Marsh, 29th District.

WHEREAS, the Hill Elementary School chorus and the Holmes Elementary School chorus will perform on March 17, 1988, in the State Capitol Rotunda in celebration of "Music In Our Schools Month"; and

WHEREAS, talent, hard work, and hours of practice have made the Hill Elementary School chorus and the Holmes Elementary School chorus the outstanding musical ensembles they are today; and

WHEREAS, Phyllis Ulrich, director of the Hill Elementary School chorus, and Kim Owen, director of the Holmes Elementary School chorus, have devoted their time and energy to developing the talents of their students.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends the members of the Hill Elementary School chorus and its director, Phyllis Ulrich, and the members of the Holmes Elementary School chorus and its director, Kim Owen, for their hard work and skillful performances.

2. That copies of this resolution be sent to the Hill Elementary School chorus and its director, Phyllis Ulrich, and to the Holmes Elementary School chorus, and its director, Kim Owen.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 987 in the Journal. No objections. So ordered.

AM2216

1. On page 4, line 10; page 5, lines 3 and

19; and page 6, line 7, strike "7,".

2. On page 4, line 11, strike ", and Chapter 54, article 2,".

3. On page 5, line 3; and page 6, line 8, strike "or Chapter 54, article 2,".

4. On page 5, line 20, strike ", or Chapter 54, article 2".

Mr. Dierks asked unanimous consent to print the following amendment to LB 940 in the Journal. No objections. So ordered.

AM2460

(Amendments to Standing Committee amendments, AM1851)

1. On page 3, line 12, after "district" insert "(i)"; and in line 14 after "districts" insert ", (ii) will include one previously existing Class II or Class III school district if no other Class II or Class III school district is located in the county in which such Class VI school district is located, or (iii) includes one previously existing Class II or Class III school district if the following procedure is followed:

(A) Such Class VI school district adopts an official resolution stating its intention to form a new school district and includes in such resolution an initial estimate of property to be included in the new school district;

(B) Such Class VI school district notifies all other Class II and Class III school districts in the county or counties in which the proposed district is to be located of its intention to form the new school district and gives each notified school district the option to join the new school district. Notification shall include a reasonable date by which a notified school district shall reply, by official resolution, as to its desire to be included in or excluded from the new school district. Failure to reply or to officially request an extension of the established response deadline by such date shall automatically require a second notification. Second notification shall include a notice that failure to reply by the new date given shall automatically be interpreted as a desire to be excluded from the new school district; and

(C) Given reasonable time to respond pursuant to subdivision (B) of this subdivision, all notified

school districts express by official resolution their desire to be excluded from the new school district or, given second notification and reasonable time to respond, fail to reply".

Mrs. Marsh asked unanimous consent to print the following amendment to LR 315 in the Journal. No objections. So ordered.

AM2473

1. After line 3 insert the following:
"WHEREAS, the Lincoln Southeast High School Girls Basketball Team won the Girls State Class A Championship on Saturday, March 5, 1988; and".

Messrs. Moore, Baack, and Miller asked unanimous consent to print the following amendment to LB 664 in the Journal. No objections. So ordered.

AM2438

(Amendments to Final Reading copy)

1. On page 1, line 2, after the second semicolon insert "to provide an operative date; and"; and strike beginning with the semicolon in line 3 through "emergency" in line 4.

2. On page 2, strike beginning with "Agricultural" in line 5 through "ranching" in line 19 and insert "Administrator shall mean the Department of Agriculture or any other appropriate state agency designated by the Governor who is contracted to provide mediation services for borrowers and creditors"; and in line 20 strike "(3)" and insert "(2)".

3. On page 3, line 2, strike "(4)" and insert "(3)"; strike lines 7 through 10; in line 11 strike "(6)" and insert "(4)"; and in line 15 strike "(7)" and insert "(5)".

4. Strike original section 3 and insert the following new section:

"Sec. 3. The Department of Agriculture or any other appropriate state agency designated by the Governor shall administer the Farm Mediation Act by contracting with one or more persons, agencies, or organizations to provide mediation services for borrowers and creditors. The contract or contracts may be terminated by the Department of Agriculture or any

other appropriate state agency designated by the Governor upon written notice and for good cause. Any agency or organization awarded a contract for the mediation program shall be designated as the farm mediation service for the service area set forth in such contract for the duration of the contract.

An agency or organization shall be eligible to contract to provide farm mediation services under this section if it:

(1) Provides for training of mediators to a level of expertise specified by the Department of Agriculture or any other appropriate state agency designated by the Governor;

(2) Ensures all mediation sessions are confidential; and

(3) Any other standards desired by the administrator of the act.

The administrator shall provide all lenders and borrowers of agricultural loans adequate notification of the mediation program.".

5. On page 4, strike beginning with "Such" in line 1 through the period in line 3; in line 5 strike "or agree"; in line 6 after "eligible" insert "persons or"; in line 9 after "of" insert "persons or"; in line 10 strike "An agency" and insert "A person"; in line 11 strike "farm mediation"; in line 15 strike "all areas" and insert "the area"; in line 16 after "state" insert "where the service is provided"; in line 17 after "families" insert "and experienced in working with farm and ranch families"; strike beginning with "Provides" in line 18 through "(c)" in line 22; and in line 23 after "develop" insert "financial".

6. On page 5, line 1, strike "(d)" and insert "(c)"; in line 2 strike "to (c)" and insert "and (b)"; in line 7 after "consultation" insert "pursuant to subsection (2) of section 5 of this act; in line 11 strike "may be" and insert "is"; in line 20 after "fee" insert "or fees not to exceed the actual costs"; in line 21 after "fee" insert "or fees"; and after line 24 insert "Such fee or fees shall be collected by the farm mediation service. The farm mediation service may require payment of such fee or fees or a portion of such payment. The fee or fees shall be retained by the farm mediation service to offset its costs.".

7. On page 6, strike beginning with "who" in line 13 through "property" in line 14; and strike beginning with "who" in line 14 through line 15.

8. On page 7, strike beginning with "Unless" in line 9 through "within" in line 10 and insert "Within"; and strike beginning with "Any" in line 18 through line 22.

9. On page 8, line 4, strike "waiver, extension, or"; in line 5 strike "any creditor" and insert "all creditors"; in line 8 after "creditors" insert "of such release"; in line 14 after "service" insert "for filing"; in line 18 strike "the borrower waives" and insert "one of the parties declines"; in line 21 strike "waived" and insert "declined"; and in line 23 after "If" insert "one of the parties declines or if".

10. On page 9, line 11, after the semicolon insert "and"; strike lines 12 through 15; and in line 16 strike "(e)" and insert "(d)" and strike ", counsel,".

11. On page 10, line 8, after "borrower" insert "before the operative date of this act".

12. Strike original section 17 and insert the following new section:

"Sec. 16. This act shall become operative on October 1, 1988.".

13. Renumber the remaining section accordingly.

Messrs. Moore, Baack, and Miller asked unanimous consent to print the following amendment to LB 664A in the Journal. No objections. So ordered.

AM2439

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated (1) $189,466 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $191,471 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Department of Agriculture, for Program 027, to aid in carrying out the provisions of Legislative Bill 664, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this

section shall exceed neither $30,480 for the period July 1, 1988, to June 30, 1989, nor $32,179 for the period July 1, 1989, to June 30, 1990.

If the Governor designates a state agency other than the Department of Agriculture for administering the provisions of Legislative Bill 664, Ninetieth Legislature, Second Session, 1988, the amounts hereby appropriated in this section shall be appropriated to the designated state agency and reduced from the Department of Agriculture, Program 027.".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Peterson asked unanimous consent to have his name added as co-introducer to LB 457. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1041. Title read. Considered.

Standing Committee amendments, AM2250, printed separate from the Journal and referred to in the Journal on page 1168 were considered.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The first Standing Committee amendment is Section 1, page 1, of AM2250.

The Standing Committee amendment, Section 1, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The second Standing Committee amendment is Section 2, page 1, of AM2250.

The Standing Committee amendment, Section 2, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The third Standing Committee amendment is Section 3, page 1, of AM2250.

The Standing Committee amendment, Section 3, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The fourth Standing Committee amendment is Section 4, page 1, of AM2250.

The Standing Committee amendment, Section 4, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The fifth Standing Committee amendment is Section 5, page 1, of AM2250.

Messrs. Peterson, Korshoj, and Remmers asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, Section 5, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Pending.

MOTION - Override Veto on LB 519

Messrs. Ashford, Hall, Wesely, and Chizek moved that LB 519 become law notwithstanding the objection of the Governor.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 322. Introduced by Barrett, 39th District.

WHEREAS, Dr. Robert Manley is a noted Nebraska historian; and

WHEREAS, Dr. Manley has a thorough knowledge of public policy developments in this state; and

WHEREAS, Dr. Manley's outstanding ability to articulate his knowledge makes him an excellent educator; and

WHEREAS, the address by Dr. Manley on March 9, 1988, provided an important perspective on problems faced by past legislatures and possibilities for future ones.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its gratitude and appreciation to Dr. Robert Manley.

2. That the Clerk of the Legislature shall send a copy of this resolution to Dr. Robert Manley at 2515 Pioneer Blvd., Grand Island, NE 68801.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 913. Placed on Select File as amended.
E & R amendments to LB 913:
AM5392

1. On page 1, line 7, after the semicolon insert "to provide operative dates;" and in line 8 strike "and" and after "sections" insert "; and to declare an emergency".
2. On page 2, line 25, strike the comma.
3. On page 3, line 2, strike ", which" and insert ". Such".

LEGISLATIVE BILL 1110. Placed on Select File as amended.
E & R amendments to LB 1110:
AM5394

1. In the Standing Committee amendments, AM1908, adopted March 8, 1988:
   a. On page 1, line 8, strike "regulated" and insert "regulate";
   b. On page 5, line 23, after "subsidiary" insert a comma;
   c. On page 6, line 8, strike "or=f" and insert "of";
   d. On page 7, line 9, strike "Shareholder's" and insert "Shareholders'";
   e. On page 15, line 20, after "of" insert "delivery";
   f. On page 17, line 19, strike the first comma; and
   g. On page 18, line 5, strike "that" and insert "which"; and in line 12 strike "are" and insert

17 "shall be".

LEGISLATIVE BILL 942. Placed on Select File as amended.
E & R amendments to LB 942:
AM5393

1. In the Standing Committee amendments, AM2009, adopted March 8, 1988, on page 1, lines 5 and 18, strike "negotiating" and insert "bargaining"; and in line 15 strike "employees'" and insert "employees".

2. On page 4, line 16, strike "employees'" and insert "employees".

(Signed) Scott Moore, Chairperson

VISITORS

Visitors to the Chamber were 13 ninth through twelfth grade students, teacher, and sponsors from McPherson County High School, Tryon; 3 seniors and teacher from Macy Public School; Tom, Kathy, and Lance Genung from Hastings; Jim Gawrych and Rod Fay from Grand Island Senior High School; 28 eighth grade students and teacher from District 24, Platte Center; Dave, Diane, and Kevin Rogert from Herman, and Jasan Martin from Tekamah; Mr. and Mrs. Elmer Owen; Senator Coordsen's wife, Janice, and mother-in-law, Lizzie Fagter from Dubler; Gene Quist and Bill Gannon; Tom Hruza from Morse Bluffs; 10 seniors and teacher from Lourdes High School, Nebraska City; and Mike Tasler from Atkinson.

RECESS

At 12:08 p.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Morehead who was excused; and Messrs. Dierks, Hannibal, Hartnett, R. Johnson, Landis, McFarland, Moore, Schellpeper, Warner,

Withem, Mesdames Higgins, Johanns, Labedz, Pirsch, and Ms. Scofield who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 817, 826, 897, 901, 903, 909, 912, 929, 969, 973, 977, 1038, 1103, 1103A, 1126, 1130, 1142, 1159, 1174, 1193, 1197, and 1220.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 901

The following changes, required to be reported for publication in the Journal, have been made:
ER0278
1. On page 3, line 9, the last comma has been struck and shown as stricken.
2. On page 7, line 7, the stricken comma has been reinstated.
3. On page 11, line 16, the comma has been struck and shown as stricken.

Enrollment and Review Change to LB 1103

The following changes, required to be reported for publication in the Journal, have been made:
ER0280
1. On page 2, line 10, an underscored comma has been inserted after "counseling".

Enrollment and Review Change to LB 1159

The following changes, required to be reported for publication in the Journal, have been made:
ER0281
1. On page 3, line 16, "services" has been struck and "service" inserted.

Enrollment and Review Change to LB 1174

The following changes, required to be reported for publication in the Journal, have been made:
ER0282
1. On page 4, line 15, "from" has been struck and shown as stricken.

(Signed) Mary E. Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 88021

DATE: March 9, 1988

SUBJECT: Constitutionality of LB 377 Concerning Penalties for DWI and Implied Consent Refusal

REQUESTED BY: Senator Don Wesely
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Yvonne E. Gates, Assistant Attorney General

LB 377 requires the Director of the Department of Motor Vehicles to revoke the motor vehicle operator's license for refusal to submit to a chemical test unless the licensee pleads guilty or is convicted of driving while under the influence of alcoholic liquor or a drug (DWI). A possible amendment provides for waiver of the revocation only when the licensee enters a plea of guilty. You have requested our opinion regarding the constitutionality of both the bill and the amendment. Either version is constitutionally permissible.

To declare what shall constitute a crime and how it is to be punished is a power vested solely and exclusively in the Legislature. State v. Cutright, 193 Neb. 303, 226 N.W.2d 771 (1975). In the implied consent statute the Legislature has provided that an individual who refuses to submit to a chemical analysis of his or her blood breath or urine "shall be subject to the administrative revocation procedures of the Director of Motor Vehicles . . . and shall be guilty of a crime. . . ." Neb.Rev.Stat. §39-669.08 (Cum.Supp. 1987). LB 377 does not propose to change that aspect of the statute.

Whether an individual waives or exercises the right to trial, the criminal penalties are the same. Likewise with the crime of refusal.

Since all parties are treated equally, LB 377 does not violate the Equal Protection Clause.

An argument might be raised that the disparate treatment in the civil action is violative of this right. However, the Nebraska Supreme Court has repeatedly ruled that while the same motor vehicle operation may give rise to two separate and distinct proceedings, each action proceeds independently of the other and the outcome of one action is of no consequence to the other. Ziemba v. Johns, 183 Neb. 644, 163 N.W.2d 780 (1968). See also, Neil v. Peterson, 210 Neb. 378, 314 N.W.2d 275 (1982) and Raymond v. Department of Motor Vehicles, 219 Neb. 821, 366 N.W.2d 758 (1985).

Nebraska case law consistently indicates that "if the statute involves economic or social legislation not implicating a fundamental right or suspect class, courts will ask only whether a rational relationship exists between a legitimate state interest and the statutory means selected by the legislature to accomplish that end." State v. Michalski, 221 Neb. 380, 385, 377 N.W.2d 510 (1985). The Nebraska Supreme Court has consistently ruled that driving is not a fundamental right. Porter v. Jensen, 223 Neb. 438, 390 N.W.2d 511 (1986), Michalski, supra.

Equal protection of the law requires that similarly situated persons be treated equally by the government; however, "It does not foreclose government from classifying persons or from differentiating one class from another when enacting legislation." Lindsley v. Natural Carbonic Gas Co., 220 U.S. 61, 31 S.Ct. 337, 55 L.Ed. 369 (1911). Should the Legislature decide that it is in the public interest to encourage motorists to submit to a chemical test by permitting admitted or convicted drunk drivers to avoid civil penalties, that is clearly within its prerogative. The classification made in LB 377 is related to the legitimate state interest of deterring drug and alcohol use by motorists.

Although the wisdom of such an action may be subject to challenge, the constitutionality of the bill, on equal protection grounds, is unmistaken.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Yvonne E. Gates
Assistant Attorney General

13-119-2

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

GENERAL FILE

LEGISLATIVE BILL 518. Mr. Hefner withdrew his pending motion found in the Journal on page 1149 to indefinitely postpone.

Mr. Ashford offered the following amendment:
AM2479

1. On page 3, line 19, after "(5)" insert "(a)".

2. On page 4, after line 6, insert the following new subdivision:

"(b) If a recipient of aid to dependent children is employed in a full-time, unsubsidized job after having participated in any of the programs established pursuant to subdivision (a) of this subsection and such job results in the loss of aid to dependent children, the recipient may be eligible for the following benefits in order to help the family during the transition from public assistance to independence:

(i) Child care for three months following the month in which the recipient begins employment, if such child care services are needed to assist in employment retention; and

(ii) Medical assistance for up to twelve months after the month the recipient becomes employed and is no longer eligible for aid to dependent children. Full medical assistance shall be allowed for the first four months of such twelve-month period. For the remaining eight months, full medical assistance shall be allowed for any recipient whose income is less than one hundred fifty percent of the federal income poverty guidelines, after disregards allowed by the Department of Social Services. Medical assistance shall be allowed for any participant whose income is one hundred fifty percent or more and less than one hundred eighty-five percent of the federal income poverty guidelines, after disregards allowed by the Department of Social Services, except that a recipient shall be required to pay an amount equal to ten percent of that portion of the recipient's gross income which is greater than one hundred fifty percent of the federal income poverty guidelines. The Director of Social Services shall seek

a waiver from federal regulations in order to allow federal matching funds for extended medical assistance beyond that allowed by law on the effective date of this act.".

3. Insert the following new section:

"Sec. 2. The Director of Social Services shall report annually, not later than February 1 of each year, to the Legislature regarding the effectiveness of programs established pursuant to subdivision (5)(a) of section 43-512. The report shall include, but not be limited to:

(1) The number of program participants;

(2) The number of program participants who become employed, whether such employment is full time or part time or subsidized or unsubsidized and whether the employment was retained for at least thirty days;

(3) Supportive services provided to participants in the program;

(4) Grant reductions realized; and

(5) A cost and benefit statement for the program.".

4. Renumber the remaining section accordingly.

Mr. Lynch 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 Ashford amendment was adopted with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 25 ayes, 9 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 518A. Title read. Considered.

Mr. V. Johnson renewed his pending amendment, AM1622, found in the Journal on page 480.

The V. Johnson amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?"

Mr. Hall moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 10 nays, and 14 not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Chizek	Higgins	Lynch	Rogers
Baack	Conway	Johanns	Marsh	Smith
Bernard-Stevens	Goodrich	Johnson, V.	McFarland	Weihing
	Hall	Labedz	Miller	Wesely
Campbell	Hartnett	Landis	Nelson	Withem
Chambers				

Voting in the negative, 17:

Abboud	Haberman	Lamb	Peterson	Scofield
Beyer	Hefner	Langford	Remmers	Warner
Coordsen	Johnson, L.	Moore	Schellpeper	Wehrbein
Elmer	Korshoj			

Present and not voting, 2:

Barrett	Hannibal

Excused and not voting, 5:

Dierks	Johnson, R.	Morehead	Pirsch	Schmit

Advanced to E & R for Review with 25 ayes, 17 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 675. Mr. Chambers asked unanimous consent to withdraw the Schmit pending motion found in the Journal on page 223 to indefinitely postpone. No objections. So ordered.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Hefner and Abboud moved to indefinitely postpone LB 675.

Laid over.

LEGISLATIVE BILL 703. Mr. Conway withdrew his pending motion found in the Journal on page 545 to indefinitely postpone.

Mr. Schmit withdrew his pending amendment, AM2036, found in the Journal on page 959.

Messrs. Schmit, Landis, Conway, Lynch, Haberman, Weihing, Goodrich, and Hall renewed their pending amendment, AM2157, found in the Journal on page 1276.

Mr. Schmit offered the following amendment to the pending Schmit et al. amendment:

(Amendments to AM2157)

1. On page 2, line 22, strike "one year" and insert "eighteen months".
2. Strike section 2.
3. On page 7, line 7, strike beginning with "and" through "are" in line 8, and insert "is".
4. Renumber sections 3 and 4 as sections 2 and 3 respectively.

The Schmit amendment was adopted with 13 ayes, 0 nays, 31 present and not voting, and 5 excused and not voting.

The Schmit et al. amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mesdames Smith and Johanns asked unanimous consent to print the following amendment to LB 518 in the Journal. No objections. So ordered.

AM2507
1. On page 3, lines 2 and 5, strike the new matter and reinstate the stricken matter; and in line 3 strike "hundred fifty".

UNANIMOUS CONSENT - Member Excused

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1100. Messrs. Schellpeper, Goodrich, and Ashford offered the following amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM2263.)

Mr. Lynch renewed his pending amendment, AM2425, found in the Journal on page 1247 to the Schellpeper et al. amendment.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

The Lynch amendment lost with 8 ayes, 16 nays, 20 present and not voting, and 5 excused and not voting.

Mrs. Nelson and Mr. Miller asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Ashford 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 Schellpeper-Goodrich-Ashford amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Messrs. Weihing and Wesely offered the following amendment:
AM2371
1. Insert the following new section:

"Sec. 2. That section 44-2804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2804. Physician shall mean a person with an unlimited license to practice medicine in this state pursuant to sections 71-1,102 to 71-1,107.14 or a person with a license to practice osteopathic medicine or osteopathic medicine and surgery in this state pursuant to sections 71-1,137 to 71-1,141.".

2. On page 175, line 6, after the comma insert "44-2804,".

3. Renumber the remaining sections and correct internal references accordingly.

MRS. LABEDZ PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Weihing-Wesely amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Messrs. Baack, Hartnett, Peterson, Hefner, and Remmers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely asked unanimous consent to replace his amendment, AM2375, with a substitute amendment.

Mr. Lynch objected.

Messrs. Rogers, Coordsen, and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved to replace his amendment, AM2375, with a substitute amendment.

The Wesely motion to substitute prevailed with 26 ayes, 1 nay, 6 present and not voting, and 16 excused and not voting.

Messrs. McFarland and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely offered the following substitute amendment:

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2437.)

The Wesely amendment was adopted with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

Messrs. Hannibal, Miller, and Mrs. Morehead renewed their pending amendment, AM2394, printed separate from the Journal and referred to on page 1224.

Mr. Lynch renewed his pending amendment, AM2456, found in this day's Journal to the pending Hannibal-Miller-Morehead amendment.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 972 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2427.)

Mrs. Smith asked unanimous consent to print the following amendments to LB 1217 in the Journal. No objections. So ordered.

(1)

AM2430

(Amendments to Standing Committee amendments, AM2106)

1. Strike beginning with "Section" on page 1, line 2, through page 4, line 19.

2. Strike beginning with page 8, line 21, through the first period on page 11, line 1.

3. On page 11, line 11, strike "line 11 and lines 19 and 20" and insert "lines 10 to 11"; in line 12 before "the" insert "or" and before the period insert "; and in lines 19 to 20 strike 'or village or the University of Nebraska' and insert 'village, or postsecondary educational institution'"; and strike beginning with "line" in line 13 through line 15 and insert "lines 19 to 20, strike 'or village or the University of Nebraska', show the old matter as stricken, and insert 'village, or postsecondary educational institution'.".

4. Strike amendment 4 and insert the following new amendment:

"5. On page 8, line 10, after the last comma insert 'sections 2-3622 and 2-4011, Revised Statutes Supplement, 1986,'".

5. Renumber the remaining sections accordingly.

(2)

AM2428

(Amendments to Standing Committee amendments, AM2106)

1. On page 11, line 11, strike "line 11 and lines 19 and 20" and insert "lines 10 to 11"; in line 12 before "the" insert "or" and before the period insert "; and in lines 19 to 20 strike 'or village or the University of Nebraska' and insert 'village, or postsecondary educational institution'"; and strike beginning with "line" in line 13 through 15 and insert "lines 19 to 20, strike 'or village or the University of Nebraska', show the old matter as stricken, and insert 'village, or postsecondary educational institution'.".

(3)

AM2429

(Amendments to Standing Committee amendments, AM2106)

1. Strike beginning with "Section" on page 1, line 2, through page 4, line 19.

2. Strike beginning with page 8, line 21, through the first period on page 11, line 1.

3. Strike amendment 5 and insert the following new amendment.

"5. On page 8, line 10, after the last comma insert 'sections 2-3622 and 2-4011, Revised Statutes Supplement, 1986,'.".

4. Renumber remaining sections accordingly.

ADJOURNMENT

At 4:05 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Friday, March 11, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 11, 1988

LEGISLATIVE JOURNAL

FORTY-SECOND DAY - MARCH 11, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 11, 1988

Pursuant to adjournment, the Legislature met at 9:07 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. John Davis, Beaver Crossing and Seward Salem United Methodist Church.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett and Mrs. Morehead who were excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Hall, R. Johnson, V. Johnson, Schmit, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-First Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 309. Read. Considered.

LR 309 was adopted with 16 ayes, 0 nays, and 33 not voting.

LEGISLATIVE RESOLUTION 310. Read. Considered.

LR 310 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 311. Read. Considered.

LR 311 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 312. Read. Considered.

LR 312 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 313. Read. Considered.

LR 313 was adopted with 20 ayes, 0 nays, and 29 not voting.

LEGISLATIVE RESOLUTION 314. Read. Considered.

LR 314 was adopted with 21 ayes, 0 nays, and 28 not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 315. Read. Considered.

Mrs. Marsh renewed her pending amendment, AM2473, found in the Journal on page 1310.

The Marsh amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LR 315 was adopted with 22 ayes, 0 nays, and 27 not voting.

LEGISLATIVE RESOLUTION 316. Read. Considered.

LR 316 was adopted with 27 ayes, 0 nays, and 22 not voting.

Messrs. Beyer and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE RESOLUTION 317. Read. Considered.

LR 317 was adopted with 21 ayes, 0 nays, and 28 not voting.

MOTHERS OF THE YEAR

Mr. McFarland and Mrs. Johanns escorted the following women to the rostrum: Mrs. Betty Loudon, Mother of the Year; and Leslie Gordon, Young Mother of the Year.

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 10, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Clubine, Virginia - Lincoln, Association for Retarded Citizens-Nebraska
Crosby, Guenzel, Davis, Kessner & Kuester
Norby, Scott J. - Lincoln, Better Nebraska Association
Erickson & Sederstrom
Jensen, Sam - Lincoln, Younkers, Inc.
Thone, Charles - Lincoln, American Business Lists; Omaha Restaurant Association; Project 2000; Younkers, Inc.
Gilbert, Ann - Lincoln, National Association of Social Workers, Nebraska Chapter
Litjen, Thomas R. - Omaha (Withdrawn 88/03/04), Valmont Industries, Inc. (Withdrawn 88/03/04)
Timmermann, Dennis F. - Lincoln, United Transportation Union

RESOLUTION

LEGISLATIVE RESOLUTION 323. Introduced by Nelson, 35th District.

WHEREAS, Henry Fonda was born in Grand Island, Nebraska, on May 16, 1905; and

WHEREAS, Mr. Fonda's birthplace is preserved at Stuhr Museum in Grand Island and is visited by eighty thousand persons annually; and

WHEREAS, Mr. Fonda never forgot his roots and gave freely of his time to promote the State of Nebraska and Stuhr Museum; and

WHEREAS, Shirlee, Jane, Peter, Harriet, and other members of the Fonda family are planning a Fonda family reunion at Stuhr Museum in 1988.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its greetings and best wishes to the members of the Fonda family upon their reunion at Stuhr Museum.

2. That the Legislature expresses to the family its respect and appreciation for the exemplary manner in which Henry Fonda promoted his native Nebraska and Stuhr Museum throughout his long and distinguished career.

3. That copies of this resolution be sent to the Fonda family upon their arrival at Stuhr Museum and to the museum for entry in the permanent archives.

Laid over.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 866. Placed on General File as amended.
Standing Committee amendment to LB 866:
AM2508

1. Strike the original sections and insert the following new sections:

"Section 1. That section 85-505.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-505.01. (1) The tuition assistance program prescribed in sections 85-505 to 85-508 shall not be available to:

(a) More than ~~twelve~~ one thousand two hundred and fifty members during any fiscal year;

(b) Commissioned and warrant officers who have a baccalaureate degree or are eligible for any other equivalent federal benefits;

(c) Enlisted personnel entitled to any equivalent federal educational benefits, except that this subdivision shall not apply to personnel receiving assistance from the federal Educational Assistance Program for Members of the Selected Reserve; and

(d) Enlisted personnel who have a baccalaureate degree.

(2) The tuition assistance program prescribed in sections 85-505 to 85-508 shall be available to members of the Nebraska National Guard for a period of

ten years from the date of initial membership.

(3) Any member of the Nebraska National Guard receiving tuition assistance under sections 85-505 to 85-508 may obtain only one undergraduate degree under such tuition assistance program. Only credit-bearing courses which meet degree requirements shall be approved for tuition assistance. Members shall not receive tuition assistance for any noncredit courses.

(4) If a member of the Nebraska National Guard voluntarily withdraws from a course for which he or she is receiving tuition assistance, the member shall be liable for all costs relating to such withdrawal, including, but not limited to, all of the costs billed by the educational institution to the Nebraska National Guard. Reimbursement shall be in accordance with section 77-2418.

(5) All non-prior-service enlistees shall have completed basic military training, military occupational specialty training, or skill-level training prior to being eligible for tuition assistance.

(6) Any member of the Nebraska National Guard who receives tuition assistance shall agree in writing to serve in the Nebraska National Guard for three years after the completion of the courses for which tuition assistance was given. Any member who receives tuition assistance may be asked to reimburse the State of Nebraska if any such member leaves the Nebraska National Guard during such three-year period. Reimbursement shall be in accordance with section 77-2418.

(7) The Military Department shall retain the responsibility and authority to establish any limitations and controls it deems necessary to ensure maximum fiscal efficiency and productivity of the tuition assistance program prescribed in sections 85-505 to 85-508.

Sec. 2. There is hereby appropriated (1) $25,000 from the General Fund for the period July 1, 1987, to June 30, 1988, and (2) $25,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Military Department, for Program 548, to aid in carrying out section 85-505.01.

Sec. 3. That original section 85-505.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wehrbein asked unanimous consent to have his name added as co-introducer to LR 249CA. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 304, LR 305, LR 306, and LR 307.

GENERAL FILE

LEGISLATIVE BILL 1041. The next Standing Committee amendment is Section 6, page 1, of AM2250.

The Business and Labor Committee renewed its pending amendment, AM2447, found in the Journal on page 1280 to the Standing Committee amendment.

Mr. Lynch 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 26 ayes, 0 nays, and 23 not voting.

Mr. Miller asked unanimous consent to be excused. No objections. So ordered.

The Business and Labor Committee amendment lost with 14 ayes, 12 nays, 15 present and not voting, and 8 excused and not voting.

Messrs. Peterson and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, Section 6, lost with 2 ayes, 17 nays, 20 present and not voting, and 10 excused and not voting.

The next Standing Committee amendment is Section 7, page 2, of AM2250.

The Standing Committee amendment, Section 7, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The next Standing Committee amendment is Section 9, page 4, of AM2250.

The Standing Committee amendment, Section 9, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The next Standing Committee amendment is Section 10, page 7, of AM2250.

Mr. Wesely offered the following amendment to Section 10, page 7, of AM2250:
AM2484

(Amendments to AM2250)

1. On page 8, line 5, strike "57,051,394" and insert "57,171,394"; in line 9 strike "133,521,272" and insert "133,641,272"; and in line 12 strike "$57,051,394" and insert "$57,171,394".

2. On page 9, line 4, after the semicolon insert "in line 10, strike '3,437,292' and insert '3,557,292'; in line 13 strike '16,423,738' and insert '16,543,738';".

3. On page 11, line 5, strike "168,031,791" and insert "168,151,791"; and in line 7 strike "424,849,950" and insert "424,969,950".

Mr. Wesely withdrew his pending amendment.

The Standing Committee amendment, Section 10, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The next Standing Committee amendment is Section 11, page 11, of AM2250.

Mr. V. Johnson offered the following amendment to Section 11, page 11, of AM2250:
on page 12 after line 12 add the following new subsection:

(6) "A review of the various fees that finance highway construction such as, but not limited to registration fees, gasoline taxes and sales tax, in order to determine their adequacy to fund needs identified by the study authorized in this section."

Mrs. Higgins and Mr. Korshoj asked unanimous consent to be excused until they return. No objections. So ordered.

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. Johanns asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment, Section 11, as amended, was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 324. Introduced by Barrett, 39th District.

WHEREAS, Bill Pound is a noted expert on the operations and functions of state legislatures; and

WHEREAS, Mr. Pound is the Executive Director of the National Conference of State Legislatures and has taught political science; and

WHEREAS, Bill Pound delivered an enlightening address to the Nebraska Legislature on March 9, 1988, on trends in legislatures throughout the nation; and

WHEREAS, with the help of speakers such as Mr. Pound, the Nebraska Legislature can effectively respond to future events.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its appreciation to Mr. Bill Pound for his excellent address on March 9, 1988.
2. That a copy of this resolution be sent to Mr. Pound.

Laid over.

UNANIMOUS CONSENT - Print in Journal

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

I move to suspend Rule 7, Section 7, and reconsider the vote taken on March 9 to indefinitely postpone LB 888.

MOTION - Reconsider Action on LB 888

Mr. Chambers moved to reconsider the vote on LB 888.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1040. Placed on Select File as amended.
E & R amendments to LB 1040:
AM5396

1. In the Standing Committee amendments, AM2253, adopted March 10, 1988:

a. On page 1, line 15, strike the comma; and in line 21 after "months" insert "of";

b. On page 1, lines 3 and 13; and page 2, lines 9 and 18, strike "contracts" and insert "agreements";

c. On page 2, line 15, strike "for in this act" and insert "by section 81-1341.01"; and

d. On page 3, line 12, strike "contract" and insert "agreement".

2. On page 1, line 8, after the semicolon insert "to eliminate obsolete provisions;"; and in line 10 after "sections" insert ", and also section 81-1341.02, Reissue Revised Statutes of Nebraska, 1943".

3. On page 4, line 1, strike "contracts" and insert "agreements".

4. On page 6, line 7, strike "in this act" and insert "provided by section 81-1341.01".

5. On page 7, line 4, after the last comma insert "and also section 81-1341.02, Reissue Revised Statutes of Nebraska, 1943,".

LEGISLATIVE BILL 1040A. Placed on Select File.

LEGISLATIVE BILL 518. Placed on Select File as amended.
E & R amendments to LB 518:
AM5397

1. In the Ashford amendment, AM2479, adopted March 10, 1988:

a. On page 1, line 15, strike the comma;

b. On page 2, lines 5 and 9, strike the comma; and in line 18 strike "effective" and insert "operative"; and

c. On page 3, line 6, after "unsubsidized" insert an underscored comma.

2. Because of the amendment of section 43-512 by Laws 1987, LB 573, section 2:

a. On page 1, line 2; page 2, line 2; and page 4, line 23, strike "1986" and insert "1987"; and

b. On page 4, line 12, remove the underscoring and strike beginning with the stricken semicolon through the last stricken comma; reinstate the stricken matter beginning with "employed" in line 12 through "Services" in line 13 and after the reinstated matter insert a comma; and strike beginning with the stricken semicolon in line 13 through the stricken semicolon in line 15.

3. On page 1, line 2, after "increase" insert "the maximum amounts of"; and in line 3 strike "as prescribed" and insert "; to provide for transition benefits as prescribed; to require a report".

4. On page 4, lines 7 and 8, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 518A. Placed on Select File as amended.
E & R amendments to LB 518A:
AM5399

1. In the V. Johnson amendment, AM1622, adopted March 10, 1988, on page 1, line 18, strike the second "the".

2. On page 1, line 3, strike "First Session, 1987" and insert "Second Session, 1988".

LEGISLATIVE BILL 703. Placed on Select File as amended.
E & R amendment to LB 703:
AM5398

1. On page 1, strike lines 2 through 8 and

insert "section 8-157, Revised Statutes Supplement, 1987; to change provisions relating to the establishment of auxiliary offices and the acquisition of banks as prescribed; to repeal the original section; and to declare an emergency.".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 703 in the Journal. No objections. So ordered.

AM2510

(Amendments to AM2157)

1. On page 2, line 7, after "located" insert ", or if the bank is located within the zoning jurisdiction of a city of the primary class, such auxiliary offices may also be within the corporate limits of such city".

VISITORS

Visitors to the Chamber were Kathrin Mander and Marcus Stephani from West Germany, and Pia Muggerud from Norway; 10 seniors and teacher from Flanagan High School, Omaha; 100 fourth grade students and teachers from Crete Elementary School; Jackie Nitzel and Jan Danielson from Hastings; and a group of Cub Scouts from Doniphan.

RECESS

At 12:04 p.m., on a motion by Mr. Moore, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Messrs. Lynch, Miller, Schellpeper, and Mrs. Morehead who were excused; and Messrs. Abboud, Ashford, Chambers, Coordsen, Dierks,

Haberman, Hall, V. Johnson, Landis, McFarland, Peterson, Remmers, Rogers, and Mrs. Labedz who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 1040A in the Journal. No objections. So ordered.

Section 12: On page 15, line 19, strike "7,457" insert "43,325"; in line 20 strike "7,457" insert "43,325"; in line 22 strike "$6,638" insert "39,098" after line 23 insert the following:

"There is included in the appropriation to this program $35,868 to raise the Chairperson of the Board of Parole's salary to $45,000 annually, and each member of the Board of Parole's salary to $40,000 annually effective September 1, 1988."

On page 16, line 1, strike "7,832" and insert "43,700"; in line 2 strike "7,832" insert "43,700".

GENERAL FILE

LEGISLATIVE BILL 1143. Title read. Considered.

Standing Committee amendment, AM2014, found in the Journal on page 835 for the Twenty-Sixth Day, was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Messrs. Hefner and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1143A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

LEGISLATIVE RESOLUTION 265CA. Title read. Considered.

Mr. Wesely moved to indefinitely postpone LR 265CA.

Laid over.

LEGISLATIVE BILL 835. Title read. Considered.

Standing Committee amendments, AM2062, found in the Journal on page 872 for the Twenty-Seventh Day were considered.

Mr. Korshoj asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendments were adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE RESOLUTION 249CA. Title read. Considered.

Mr. Hannibal moved to indefinitely postpone LR 249CA.

Laid over.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1079. Title read. Considered.

Standing Committee amendment, AM2126, found in the Journal on page 965 for the Thirty-Second Day was considered.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 1236. Placed on General File as amended.
Standing Committee amendment to LB 1236:
AM2532

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated the following sum of money, or so much thereof as may be required, from the General Fund for the payment of claims arising out of miscellaneous items of indebtedness owing by the State of Nebraska.

1988 MISCELLANEOUS CLAIMS

DESCRIPTION	DOLLARS
Claim No. 028, against the State Employees Retirement System of the State of Nebraska, pay to Charles M. Thiessen, Rt. 5, Lincoln, Nebraska, 68508, out of the General Fund	15,316.57
Claim No. 032, against the State Employees Retirement System of the State of Nebraska, pay to Lewis Nichols, 1139 F. Street, Pawnee City, Nebraska, 68420, out of the General Fund	21,235.94

Sec. 2. There is hereby appropriated $315,847.34 from the General Fund to the State Claims Board, Agency 89, for Program 536. This appropriation shall be used only to pay claims by former state employees, except those former state employees listed in section 1 of this act, who retired between August 26, 1983, and August 30, 1987, and who forfeited their employer account. Such claims shall be limited to the amount of the claimant's employer account plus interest at the rate earned by the State Employees Retirement System of the State of Nebraska since the claimant's retirement. The State Claims Board shall annually report to the Legislature and the Business and Labor Committee of the Legislature all funds expended under this section.

Sec. 3. The Director of Administrative

Services is hereby authorized and directed to draw his or her warrants on or before June 30, 1989, upon the General Fund, in favor of the beneficiaries named in section 1 of this act for the amount set opposite their respective names upon the presentation of proper vouchers therefor. The director is hereby authorized and directed to draw his or her warrants on or before June 30, 1993, upon the General Fund, in favor of the claimants described in section 2 of this act for the amount forfeited from each claimant's employer account, plus interest at the rate earned by the State Employees Retirement System of the State of Nebraska, upon presentation of proper vouchers therefor. The several amounts herein appropriated shall be in full payment of any and all claims, rights, causes of action, damages, and demands of every character and kind owing by or against the State of Nebraska, its officers, agents, and employees, and their successors and assigns, with respect to each of the beneficiaries respectively in whose favor the appropriations are made. The director shall not deliver any warrant for any item herein appropriated until a receipt and release in full, releasing the State of Nebraska, its officers, employees, and agents, and their successors and assigns, shall have been filed by each of the beneficiaries respectively. Upon presentation of the warrants, the State Treasurer is hereby directed to pay the same out of money in the General Fund not otherwise appropriated.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Wehrbein asked unanimous consent to have his name withdrawn as co-introducer to LB 972. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 846 in the Journal. No objections. So ordered.

AM2464

(Amendments to Standing Committee amendments, AM2257)

1. On page 2, line 4, strike "$150,000" and insert "$250,000".

Messrs. Chizek and Wesely asked unanimous consent to print the following amendment to LB 1073 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2466.)

Mr. Remmers asked unanimous consent to print the following amendment to LB 703 in the Journal. No objections. So ordered.

AM2517

(Amendments to AM2157)

1. Insert the following new sections:

"Sec. 2. That section 77-2318.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2318.01. The county treasurer may deposit in any bank of the county in which he or she is treasurer in excess of the amounts authorized in section 77-2318 when (1) the depository bank secures the deposits by pledge of or a grant of a security interest in the assets of the bank in the manner and within the limitations provided for county judges, county clerks, and clerks of the district court in sections 77-2326.04 to 77-2326.09~~,~~ and (2) the same is approved by a formal resolution of the county board.

Sec. 3. That section 77-2320, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2320. In lieu of a bond as provided in sections 77-2316 to 77-2319, any bank making application to become a depository under ~~the provisions of~~ sections 77-2312 to 77-2324 may: (1) Deposit ~~deposit~~ with the county clerk ~~(1)~~ (a) United States Government bonds, (b) ~~;(2)~~ United States Government guaranteed bonds or notes, (c) ~~;(3)~~ bonds or notes of United States Governmental agencies including bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate

credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration, (d) ~~; (4)~~ bonds of any state or municipal subdivision which are fully defeased as to principal and interest by any combination of bonds or notes provided in subdivisions ~~(1) to (3)~~ (a) to (c) of this ~~section; (5)~~ subdivision, (e) bonds of the State of Nebraska or of any state whose bonds are purchased by the state investment officer of this state for investment of the Permanent School Fund, (f) ~~; (6)~~ warrants of the State of Nebraska, (g) ~~; (7)~~ county bonds, municipal bonds, or school district bonds of any county, city, village, or school district in the State of Nebraska issued under the direction of and with the approval of the Auditor of Public Accounts, (h) ~~; (8)~~ securities issued under the authority of the Federal Farm Loan Act, ; or ~~(9)~~ (i) warrants of the county or any city, village, or school district in the county; or (2) pledge or grant a security interest in assets of the bank as provided in section 77-2318.01.

Sec. 4. That section 77-2326.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2326.04. (1) No deposits in excess of the amount insured by the Federal Deposit Insurance Corporation shall be made to accumulate in any bank designated as a depository bank~~,~~ unless and until the county judge, clerk of the county court, or clerk of the district court, as the case may be, ~~shall have~~ has required of and received from such bank as security for the prompt repayment by the bank of ~~their~~ his or her respective deposits ~~by the bank,~~ in excess of the amount insured by the Federal Deposit Insurance Corporation either a surety bond in form and with corporate sureties approved by formal resolution of the county board or in lieu thereof a pledge of or a grant of a security interest in:

~~(1) A pledge of bonds~~ (a) Bonds, notes, certificates of indebtedness, or treasury bills of the United States Government of any issue;

(b) ~~(2)~~ Obligations fully and unconditionally guaranteed both as to principal and interest by the United States or bonds and debentures issued either singly or collectively by any of the twelve federal land

banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration;

(c) ~~(3)~~ Bonds of any county, city, village, or school district of this state which have been issued and registered as required by law; or

(d) ~~(4)~~ Registered warrants of any county, city, or school district of this state.

(2) The delivery by the bank designated as a depository bank to the county judge, clerk of the county court, or clerk of the district court, as the case may be, of a written receipt or acknowledgment from a Federal Reserve Bank or branch thereof or some other bank or trust company in this state other than the bank granting the security interest that includes the name and title of such public officer, describes securities identified on the books or records of the depository bank, and provides that the securities or the proceeds of securities will be delivered only upon surrender of the receipt or the acknowledgment duly executed by the public officer designated thereon and by the authorized representative of the depository bank shall, together with such public officer's actual and continued possession of such receipt or acknowledgment, constitute a valid and perfected security interest in favor of such public officer in and to the securities so identified. Article 9 of the Uniform Commercial Code shall not apply to any security interest arising under this section.

Sec. 5. That section 77-2326.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2326.05. The deposits secured by a surety bond shall at no time exceed the amount of the penal sum of such surety bond, and deposits secured by pledge of or a grant of a security interest in securities shall at no time exceed the market value of the securities thus pledged or secured.

Sec. 6. That section 77-2326.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2326.06. Every depository bank ~~is authorized to~~ may secure deposits by a pledge of or a grant of a security interest in the assets of the bank or by furnishing surety bond as provided in section

77-2326.04 and otherwise to enter into and become a party to any contract or arrangement not inconsistent with ~~the provisions hereof~~ this section, as may be reasonably necessary or proper to render fully effective ~~the provisions of~~ section 77-2326.04.

Sec. 7. That section 77-2326.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2326.07. The clerk of the district court, county judge, and clerk of the county court shall at all times keep and certify to the county board a complete and correct list and description of the securities pledged or in which a security interest has been granted by any depository bank to secure the respective deposits of their respective offices. Bonds and securities pledged or in which a security interest has been granted shall be delivered to and held by some Federal Reserve Bank or branch thereof or some other responsible bank or trust company within this state other than the pledgor or the bank granting the security interest, as designated by county board, with appropriate joint custody and the pledge agreement or security interest as described in subsection (2) of section 77-2326.04 in a form approved by the ~~said~~ the county board.

Sec. 8. That section 77-2326.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2326.08. The depository bank pledging or granting a security interest in bonds or securities under sections 77-2326.01 to 77-2326.09 shall have the right to substitute therefor from time to time other and different bonds and securities of equal value within the foregoing requirements, and to withdraw all or any part of such bonds or securities so pledged or in which a security interest has been granted upon repayment to the county judge, clerk of the county court, and clerk of the district court, or any of such officers and reduction of their respective accounts in the amount of the value of the bonds or securities thus withdrawn. Each depository bank shall furnish directly to the county board a sworn monthly statement of the funds of the county judge, clerk of the county court, and the clerk of the district court on deposit in such depository.".

2. On page 7, line 7, after "original" insert "sections 77-2318.01, 77-2320, and 77-2326.04 to 77-2326.08, Reissue Revised Statutes of Nebraska, 1943, and"; and strike beginning with "and" in line 7 through the last comma in line 8.

3. In the Schmit amendment adopted on March 10, 1988, and found on page 1323 of the Journal, strike amendment 3.

4. Renumber the remaining sections accordingly.

Messrs. Hall and Wesely asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM2535

(Amendments to Final Reading copy)

1. On page 14, line 22, strike "conviction or" and after "guilty" insert "or no contest to the trial court".

GENERAL FILE

LEGISLATIVE BILL 1030. Title read. Considered.

Messrs. L. Johnson, Abboud, Hartnett, Conway, Mesdames Campbell, and Pirsch renewed their pending amendment, AM2005, found in the Journal on page 1254.

Mrs. Marsh moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The L. Johnson et al. amendment was adopted with 29 ayes, 0 nays, 4 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Baack	Conway	Higgins	Nelson	Warner
Barrett	Coordsen	Johnson, L.	Peterson	Wehrbein
Beyer	Dierks	Labedz	Remmers	Weihing
Campbell	Elmer	Marsh	Scofield	Wesely
Chizek	Hannibal	Moore	Smith	Withem

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Goodrich	Hefner	Johnson, R.	Lamb	Schmit
Hartnett	Johanns			

Excused and not voting, 16:

Abboud	Haberman	Landis	McFarland	Pirsch
Ashford	Hall	Langford	Miller	Rogers
Bernard-Stevens	Johnson, V.	Lynch	Morehead	Schellpeper
	Korshoj			

Advanced to E & R for Review with 25 ayes, 1 nay, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 463. Title read. Considered.

Standing Committee amendments, AM2080, found in the Journal on page 981 for the Thirty-Second Day were considered.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendments were adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mrs. Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 987 in the Journal. No objections. So ordered.

AM2534

1. On page 4, line 10, strike "7,"; and in line 11 strike "and Chapter 54, article 2,".

2. On page 5, line 3, strike "7," and strike "or Chapter 54, article 2,"; in line 19 strike "7,"; and in line 20 strike ", or Chapter 54, article 2".

3. On page 6, line 9, after "under" insert "article 9, Uniform Commercial Code, or".

4. On page 10, line 9, after "to" insert "a new article in".

5. Insert the following new sections:

"Sec. 10. This act shall become operative on July 1, 1988.

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.".

6. In AM2322, found on page 1126 of the Journal, on page 1, line 8, after the first "or" insert "farm products subject to a".

7. Renumber the remaining section accordingly.

Mrs. Smith asked unanimous consent to print the following amendment to LB 1217 in the Journal. No objections. So ordered.

AM2525

(Amendments to Standing Committee amendments, AM2106)

1. Strike amendments 1, 2, 5, and 6 and renumber the remaining amendments accordingly.

2. On page 11, strike beginning with "line" in line 11 through line 12 and insert "lines 10 to 11, strike 'or the University of Nebraska'; and in lines 19 to 20 strike 'the University of Nebraska' and insert 'postsecondary educational institution'."; in line 13 strike "17" and insert "19"; and in lines 14 to 15 strike "institution of higher education" and insert "postsecondary educational institution".

UNANIMOUS CONSENT - Print in Journal

Messrs. Schellpeper, Dierks, Coordsen, Hefner, and Ms. Scofield asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

We move to suspend Rule 3, Section 19(b) to permit consideration of a motion to place LB 1092 on General File.

MOTION - Place LB 1092 on General File

Messrs. Schellpeper, Dierks, Coordsen, Hefner, and Ms. Scofield moved to place LB 1092 on General File.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 88022

DATE: March 11, 1988

SUBJECT: Constitutionality of Proposed Amendments to Legislative Bill 655 Relating to Adjustment of Retirement Benefits of the Nebraska State Patrolmen's Retirement System

REQUESTED BY: Senator Rex Haberman, Chairperson
Nebraska Retirement Systems Committee

WRITTEN BY: Robert M. Spire, Attorney General
Fredrick F. Neid, Assistant Attorney General

QUESTION ONE: Would the proposed amendments which provide for increases to retirement annuity benefits based on federal guidelines constitute an unconstitutional delegation of legislative authority?

CONCLUSION: Yes. The language of the proposed amendments to LB 655 does not incorporate by reference an existing federal law or regulation with sufficient description.

QUESTION TWO: Whether the minimum benefit for retired employees and their families would violate Article III, Section 19 of the Nebraska Constitution "since it is not directly tied to changes in the wage levels or the cost of living"?

CONCLUSION: Yes. There is no provision in Legislative Bill 655 or the proposed amendments that the increases are adjustments due to changes in the cost of living and wage levels that have occurred subsequent to retirement.

The first question relates to the provisions of Section 2 of the proposed amendments to Legislative Bill 655. Section 2 provides that retirement annuity benefits "shall be adjusted to an amount not less than the amount of the federal Office of Management and Budget poverty guideline applicable to this state and the size of the recipient's family unit."

Generally, the courts have determined that adoption by reference of laws and regulations of another jurisdiction are unconstitutional delegations of legislative power when the power delegated is overly broad or because of the nature of the power delegated. Particular instances where delegations of legislative power have been found to be unconstitutional include: 1) proposals where the laws or regulations are not final or in existence at the time of adoption; and 2) when the laws or regulations to be adopted are in conflict with existing state laws.

While there are limits to the delegation of legislative power, the Nebraska Legislature may lawfully adopt an existing law or regulation of another jurisdiction. In Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967), the Nebraska Supreme Court considered whether statutes which base a state income tax law upon laws of the United States was an unconstitutional delegation of legislative power. The Court held that incorporation by reference of tax laws was a permissible delegation of legislative power.

In Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 784; 104 N.W.2d 227, 232 (1960), our Supreme Court stated: "We do not hold that the Legislature may not adopt a law or regulation of another jurisdiction by reference. It may even adopt such insofar as it is not in conflict with existing laws of this state." In this case, the Court held that the statutes which delegated discretion to adopt federal regulations to an administrative officer was an unconstitutional delegation of legislative power.

In applying these principles to the proposed amendment(s), it appears that the objective to be attained would be a permissible delegation of legislative power. However, the proposed amendment may be subject to constitutional challenge because the law or regulation, as stated, may not be final or is subject to change by the federal government. The proposed language does not reference an existing federal law or regulation with sufficient specificity so that it

is known that the law or regulation adopted is in existence or is subject to future regulation or revision.

The general language of the proposed amendment would adopt a federal guideline which is open to future revision by the federal government. This is a technical deficiency which may be cured by reference to a specific federal code enactment or regulation which is currently in existence and provides for the guideline which the Legislature is desirous of adopting. Referencing the specific federal code enactment or regulation presently in existence would narrow the power delegated and serve to remove constitutional objection to incorporation by reference of the federal guideline.

Your second question is whether the proposed amendment would be violative of the constitutional prohibition which forbids the granting of additional compensation to public officers or employees after services have been rendered. Article III, Section 19 of the Nebraska Constitution, in part, states:

> 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. . . . (Emphasis added).

The express exception to the constitutional prohibition permits adjustments only to reflect changes in the cost of living and wage levels which have occurred subsequent to retirement.

Review of the proposed amendment reflects that there is no express provision that increases are adjustments due to changes in the cost of living and wage levels that have occurred subsequent to retirement. Accordingly, it is our opinion that the proposed amendment providing for increases to retirement benefits would be violative of the Nebraska Constitution.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

FFN:jem

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

88-03

VISITORS

Visitors to the Chamber were a group from the Chadron State College Home Economic Department; Sandy Inkster Erich from South Sioux City; Harry Hoffman; and 14 eighth grade students and sponsor from Trinity Lutheran Church, Madison.

ADJOURNMENT

At 3:40 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 9:00 a.m., Monday, March 14, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 14, 1988

LEGISLATIVE JOURNAL

FORTY-THIRD DAY - MARCH 14, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 14, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Homer Clements, St. Lukes Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Conway, Miller, and Mrs. Campbell who were excused; and Messrs. Baack, Haberman, Mesdames Higgins, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Second Day was approved.

REPORT

Received annual report from the Nebraska Energy Office in accordance with Section 81-1607, Nebraska Revised Statutes.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 314,

LR 313, LR 312, LR 311, LR 310, LR 309, LR 315, LR 316, and LR 317.

RESOLUTIONS

LEGISLATIVE RESOLUTION 318. Read. Considered.

LR 318 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 319. Read. Considered.

LR 319 was adopted with 15 ayes, 0 nays, and 34 not voting.

LEGISLATIVE RESOLUTION 320. Read. Considered.

SPEAKER BARRETT PRESIDING

LR 320 was adopted with 29 ayes, 2 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 321. Read. Considered.

LR 321 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 322. Read. Considered.

LR 322 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 323. Read. Considered.

LR 323 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 324. Read. Considered.

LR 324 was adopted with 30 ayes, 0 nays, and 19 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1041. The next Standing Committee amendment is Section 14, page 14, of AM2250.

The Standing Committee amendment, Section 14, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The next Standing Committee amendment is Section 15, page 14, of AM2250.

The Standing Committee amendment, Section 15, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Pending.

PRESIDENT NICHOL PRESIDING

BILL ON FIRST READING

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

LEGISLATIVE BILL 1079A. Introduced by Hefner, 19th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1079, Ninetieth Legislature, Second Session, 1988.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2509
(Amendments to Standing Committee amendments, AM2171)

1. On page 2, strike beginning with "22" in line 21 through "47" in line 22 and insert "18, 23 to 26, 28, 29, 34 to 36, 40, 43, 46, and 48".

2. On page 4, line 2, after the first comma insert "pickle card".

3. On page 7, strike beginning with "A" in line 20 through "Columbia" in line 23 and insert "The State of Nebraska or any political subdivision thereof".

4. On page 8, strike beginning with "in" through "States" in line 7 and insert "under the laws of Nebraska which has been in existence for ten consecutive

years immediately preceding the date of the donation and which has its principal office located in Nebraska".

5. On page 11, line 10, strike "and" and insert "or".

6. On page 13, line 13, strike "or"; and in line 18 after "1967" insert "; or (i) failed to pay an administrative fine imposed pursuant to the Nebraska Pickle Card Lottery Act".

7. On page 15, line 1, strike "or"; and in line 4 after "Act" insert "; or (h) failed to pay an administrative fine imposed pursuant to the Nebraska Pickle Card Lottery Act".

8. On page 16, after line 4, insert the following new subdivision:

"(5) To impose or levy an administrative fine of not more than one thousand dollars on a licensee for cause. For purposes of this subdivision, cause shall include instances in which the licensee violated the provisions, requirements, conditions, limitations, or duties imposed by the Nebraska Pickle Card Lottery Act. In determining whether to levy an administrative fine and the amount of the fine, if any such fine is levied, the department shall take into consideration the seriousness of the violation and the extent to which the licensee derived financial gain as a result of the violation;"; in line 5 strike "(5)" and insert "(6)"; in line 13 strike "(6)" and insert "(7)"; and in line 20 strike "(7)" and insert "(8)".

9. On page 17, line 1, strike "(8)" and insert "(9)"; and in line 22 strike "(9)" and insert "(10)".

10. On page 18, line 3, strike "(10)" and insert "(11)"; in line 5 strike "(11)" and insert "(12)"; in line 7 strike "(12)" and insert "(13)"; and in line 10 strike "(13)" and insert "(14)".

11. On page 21, line 20, strike the second "or", show as stricken, and insert an underscored comma; in line 22 after the comma insert "or the imposition of an administrative fine pursuant to section 9-322,"; and in line 24 after "proceedings" insert "or proceedings to impose an administrative fine".

12. On page 22, line 4, after "cancellation" insert "proceedings or proceedings to impose an administrative fine".

13. Insert the following new section:

"Sec. 18. (1) All money collected by the department as an administrative fine shall be transmitted on a monthly basis to the State Treasurer who shall deposit such money in the Permanent School Fund.

(2) Any administrative fine imposed under section 9-322 and unpaid shall constitute a debt to the State of Nebraska which may be collected by lien foreclosure or sued for and recovered in any proper form of action, in the name of the State of Nebraska, in the district court of the county in which the violator resides or owns property.".

14. On page 25, line 8, strike "five" and insert "ten"; and in line 15 strike "five-year" and insert "ten-year".

15. On page 28, line 6, strike "a" and insert "one or more" and strike "operator" and insert "operators"; and strike beginning with "who" in line 8 through "operator" in line 11.

16. On page 30, line 5, strike "27" and insert "28"; in line 12 strike "a" and insert "its"; in line 13 after "one" insert "or more"; and strike beginning with "operator" in line 13 through line 16 and insert "operators.".

17. On page 34, line 23, after "corporation" insert ", which holds a retailer's license for consumption on the premises or a bottle club license issued by the Nebraska Liquor Control Commission pursuant to the Nebraska Liquor Control Act,".

18. On page 39, line 6, strike "license-year" and after the period insert "For purposes of this subsection, retail sales shall not include revenue generated from other charitable gaming activities authorized by Chapter 9.".

19. On page 44, line 14, after "sixty-five" insert "or more than seventy"; and in line 20 strike "Which offers any single prize" and insert "In which any individual pickle card awards a prize or prizes".

20. On page 48, line 15, after "or" insert "by"; in line 16 after "month" insert "following each monthly period,"; in line 18 strike "for" and insert "concerning"; and in line 19 strike "purchaser" and insert "sale".

21. On page 53, line 2, after "sixty-five" insert "or more than seventy"; in line 4 strike "and" and show as stricken; in line 7 after "lottery" insert ", not more than thirty-five percent of the definite profit shall be paid to the licensed pickle card operator for selling pickle cards on behalf of the licensed organization, and not more than four percent of the definite profit shall be used by the licensed organization for the payment of any commission, salary, or fee to a sales agent in connection with the marketing or delivery of a pickle card unit"; and in line 11 before "A" insert "(1) No licensed organization shall generate net profits from its lottery by the sale of pickle cards and profits from other charitable gaming activities authorized and regulated under Chapter 9 which exceeds the revenue received by the organization from sources other than its lottery by the sale of pickle cards or other charitable gaming activities authorized and regulated under Chapter 9 on an annual basis. The department shall prescribe by rule and regulation a report to be submitted to the department on a periodic basis which will allow the department to determine compliance with this section. If an organization generates net profits from its lottery by the sale of pickle cards and profits from other charitable gaming activities authorized and regulated under Chapter 9 which exceeds the revenue received by the organization from sources other than its lottery by the sale of pickle cards or other charitable gaming activities authorized and regulated under Chapter 9, then the amount of net profit from its lottery by the sale of pickle cards or profits from other charitable gaming activities authorized and regulated under Chapter 9 which exceeds the revenue received by the organization from sources other than the lottery by the sale of pickle cards or other charitable gaming activities authorized and regulated under Chapter 9 shall carry over to the following annual period and be added to the amount of net profits generated by the licensed organization from its lottery by the sale of pickle cards and profits from other charitable gaming activities authorized and regulated under Chapter 9 for that annual period.

(2)"; in line 13 strike "an outside recipient"

and insert "a recipient outside of its organization as an inducement for or"; in line 14 strike "a" and insert ": (a) A"; and in line 15 strike ", including" and insert "to any person, organization, or corporation, including, but not limited to, the licensed organization or any of its members, employees, or agents; or (b)".

22. On page 55, line 14, after "renewal" insert "or".

23. On page 63, line 6, strike "50" and insert "51".

24. Renumber remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 419 in the Journal. No objections. So ordered.

AM2457

(Amendments to Final Reading copy)

1. On page 1, line 5, strike "an entitlement to assets" and insert "entitlements to assets and income".

2. On page 2, line 1; page 8, line 24; page 9, line 9; and page 10, lines 3 and 23, strike "7" and insert "9".

3. On page 2, line 7, after "(2)" insert "Department shall mean the Department of Social Services;

(3)"; in line 9 strike "(3)" and insert "(4) Exempt amount shall mean four hundred seventy-five dollars per month in income for the spouse and four hundred seventy-five dollars per month in income each for any dependents of the spouse whether such income is owned jointly or singly;

(5)"; in line 13 strike "(4)" and insert "(6)"; in line 16 strike "(5)" and insert "(7)"; in line 19 strike "institutional" and after "care" insert "in a licensed intermediate care facility, domiciliary facility, residential care facility, or center for the developmentally disabled, as such terms are defined in section 71-2017.01,"; and in line 23 strike "(6)" and insert "(8)".

4. On page 3, line 1, strike "institutional" and after "care" insert "in a facility certified to receive medical assistance funds under sections 68-1018 to 68-1036"; in line 6 strike "(7)" and insert "(9)"; in

line 11 after "spouse" insert "(1)"; in line 14 after "dollars" insert "and (2) shall be entitled to an amount of income up to the exempt amount"; in line 15 before "Subject" insert paragraphing and "Sec. 3." and strike "6" and insert "8"; and in line 17 strike "3" and insert "5".

5. Insert the following new section:

"Sec. 4. If the spouse exercises his or her right to such entitlement in the manner specified by the department:

(1) In determining the eligibility of an applicant, the director shall not take into account the income to which the spouse is entitled and shall not require proof of adequate consideration for any assignment made as a result of the entitlement to income;

(2) Of the monthly income of the spouse, only that portion exceeding the amount to which the spouse is entitled shall be considered to be available to an applicant or recipient for future medical support and the spouse shall have a duty of future medical support of the applicant only to the extent that such spouse's monthly income exceeds such amount;

(3) Neither the director nor the state may recover from the income of the spouse for future medical assistance provided to the applicant or recipient (a) any amount in any calendar month when the income of such spouse is less than the amount to which the spouse is entitled or (b) an amount in any calendar month which would reduce the spouse's income to less than the amount to which the spouse is entitled for such calendar month; and

(4) The director's subrogation rights on behalf of the state shall be subject to the limitation provided in subdivision (3) of this section.".

6. On page 5, line 10, strike "that" and insert ":

(1) That"; in line 18 after "recipient" insert "; and

(2) That the applicant's or recipient's spouse is entitled to an amount of income up to the exempt amount and that, because of such entitlement, only that portion of the spouse's monthly income which exceeds the amount to which the spouse is entitled will be

considered in determining eligibility and the spouse will be required to use only such excess portion to provide future medical support to the applicant or recipient"; and in line 20 strike "3" and insert "5".

7. On page 6, line 9, strike "6" and insert "8".

8. On page 7, line 2; and page 8, line 7, after "for" insert "or an exercise of the right to income by".

9. On page 7, line 3; and page 8, line 8, strike "entitlement" and insert "entitlements".

10. On page 7, line 5; and page 8, line 10, after "assets" insert "or for using only that portion of such individual's monthly income which exceeds the amount to which the individual is entitled".

11. On page 11, line 22, after "income" insert ", except that if a disabled person's spouse has exercised his or her right to income in accordance with the entitlement provided for in section 2 of this act, the amount to which the spouse is entitled shall be excluded in determining total family income per month".

12. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Lamb asked unanimous consent to have his name added as co-introducer to LR 320. No objections. So ordered.

Mrs. Johanns asked unanimous consent to have her name added as co-introducer to LR 321. No objections. So ordered.

Mr. Korshoj asked unanimous consent to have his name added as co-introducer to LB 1093. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1041. The next Standing Committee amendment is Section 21, page 18, of AM2250.

Mrs. Nelson offered the following amendment to Section 21, page 18, of AM2250:
AM2468

(Amendments to AM2250)

Purpose: Increase the General Fund appropriation for adult basic education by $200,000 for FY1988-89 to provide additional aid for programs and services that serve adults' needs to acquire basic literacy skills.

1. On page 18, line 17, after the semicolon insert "after line 17 insert:

'(5) Program No. 293 - Adult Education

	FY1987-88	FY1988-89
GENERAL FUND	-0-	200,000
PROGRAM TOTAL	-0-	200,000

There is included in the amount shown for FY1988-89 $200,000 General Funds for state aid, which shall only be used for such purpose.';"; and in line 19 strike "(5)" and insert "(6)".

2. On page 20, line 1, strike "(6)" and insert "(7)"; in line 21 strike "(7)" and insert "(8)"; in line 23 strike "16,540,521" and insert "16,740,521".

3. On page 21, line 4, strike "18,209,527" and insert "18,409,527".

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Nelson moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mrs. Nelson requested a roll call vote on her amendment.

Voting in the affirmative, 25:

Ashford	Coordsen	Johanns	Landis	Nelson
Baack	Dierks	Johnson, R.	Lynch	Pirsch
Bernard-Stevens	Hall	Johnson, V.	Marsh	Schellpeper
Chambers	Hartnett	Korshoj	McFarland	Smith
Chizek	Higgins	Labedz	Morehead	Withem

Voting in the negative, 11:

Abboud	Lamb	Moore	Schmit	Warner
Hannibal	Langford	Remmers	Scofield	Weihing
Johnson, L.				

Present and not voting, 9:

Barrett	Elmer	Hefner	Rogers	Wesely
Beyer	Goodrich	Peterson	Wehrbein	

Excused and not voting, 4:

Campbell	Conway	Haberman	Miller

The Nelson amendment was adopted with 25 ayes, 11 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Wehrbein, Abboud, Warner, Hannibal, L. Johnson, and Mrs. Marsh offered the following amendment to Section 21, page 18, of AM2250:

AM2520

(Amendments to AM2250)

1. On page 18, line 17, after the semicolon insert "in lines 10 and 11 strike '4,819,323' and insert '3,060,824'; in line 13 strike '$4,819,323' and insert '$3,060,824';".

2. On page 20, line 22, strike "4,833,289" and insert "3,074,790".

3. On page 21, line 3, strike "5,762,537" and insert "4,004,038".

The Wehrbein et al. amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, Section 21, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The next Standing Committee amendment is Section 22, page 21, of AM2250.

The Standing Committee amendment, Section 22, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The next Standing Committee amendment is Section 23, page 21, of AM2250.

The Standing Committee amendment, Section 23, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

SPEAKER BARRETT PRESIDING

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

The next Standing Committee amendment is Section 8, page 2, of AM2250.

The Standing Committee amendment, Section 8, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The next Standing Committee amendment is Section 24, page 23, of AM2250.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, Section 24, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The next Standing Committee amendment is Section 27, page 24, of AM2250.

The Standing Committee amendment, Section 27, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 325. Introduced by Johanns, 27th District.

WHEREAS, Leslie Gordon is a resident of Lincoln, Nebraska, and was recently named Nebraska Young Mother of the Year by the Nebraska Mothers Association; and

WHEREAS, she has been an active member of Beta Sigma Phi, an international womens organization, for nine years and has served as its vice president; and

WHEREAS, she has been active in the Trinity Methodist Church as a Sunday school teacher; and

WHEREAS, with her husband, she is raising three children and recognizes her personal responsibility toward the welfare of the community; and

WHEREAS, she was honored on March 10 at the annual meeting of the Nebraska Mothers Association and on March 11 in a ceremony at the State Capitol; and

WHEREAS, she will be competing in her respective category at the national convention of American Mothers, Inc., in April held in Puerto Rico; and

WHEREAS, her dedicated service and exemplary character have benefitted the city of Lincoln and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges this honor which has been bestowed upon Leslie Gordon and her service to her community, her church, and her family.

2. That a copy of this resolution be presented to Leslie Gordon in recognition of her accomplishments by the members of the Legislature.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson and Mrs. Morehead asked unanimous consent to print the following amendment to LB 295 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2336.)

VISITORS

Visitors to the Chamber were 75 high school foreign exchange students and sponsors from across the state; JoAnn and Peggy Sieck from Pleasant Dale; 49 eighth grade students and sponsors from Centura Public School, consolidated school from Boelus, Dannebrog, and Cairo; 25 fourth grade students and teacher from Central

Elementary School, Plattsmouth; 32 seniors and sponsor from Deshler High School; 15 students and teacher from Norris High School; and a group of kindergarten students, teachers, and sponsors from Lincoln Christian School.

RECESS

At 11:54 a.m., on a motion by Mr. Moore, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Conway, Miller, Rogers, and Mrs. Campbell who were excused; and Messrs. Haberman, Hefner, R. Johnson, Peterson, and Mrs. Labedz who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 1030 in the Journal. No objections. So ordered.

AM2221

1. Insert the following new sections:

"Sec. 3. That section 33-117, Revised Statutes Supplement, 1987, be amended to read as follows:

33-117. (1) The several sheriffs shall charge and collect fees at the rates specified in this section. The rates shall be as follows: (a) Serving a capias with commitment or bail bond and return, two dollars; (b) serving a search warrant, two dollars; (c) arresting under a search warrant, two dollars for each person so arrested; (d) unless otherwise specifically listed in subdivisions (f) to (s) of this subsection, serving a summons, subpoena, ~~in equity,~~ order of attachment, order of replevin, other order of ~~injunction, scire facias, citation~~ the court, notice of motion, other notice, ~~order of the court, or~~ other writ ~~and return thereof, ten dollars for the first defendant and two dollars and~~

~~fifty cents for each of the other defendants in the same case; making a certified copy of a~~ or document, or any combination thereof, including any accompanying or attached documents, ten dollars for each person served, except that when more than one person is served at the same time and location in the same case, the service fee shall be ten dollars for the first person served at that time and location and two dollars and fifty cents for each other person served at that time and location; (e) making a return of each summons, subpoena, ~~in equity,~~ order of attachment, order of replevin, other order of ~~injunction, scire facias, citation~~ the court, notice of motion, other notice, or other writ or document, whether served or not, five dollars; (f) taking and filing a replevin bond or other indemnification to be furnished and approved by the sheriff, one dollar; (g) making a copy of any process, bond, or other paper ~~other than herein~~ not otherwise provided for in this section, twenty-five cents per page; (h) traveling each mile actually and necessarily traveled within or without their several counties in their official duties, three cents more per mile than the rate provided for county officers and employees in section 23-1112, except that the minimum fee shall be fifty cents when the service is made within one mile of the courthouse, and, as far as is expedient, all papers in the hands of the sheriff at any one time shall be served in one or more trips by the most direct route or routes and only one mileage fee shall be charged for a single trip, the total mileage cost to be computed as a unit for each trip and the combined mileage cost of each trip to be prorated among the persons or parties liable for the payment of same; (i) levying a writ or a court order ~~of execution~~ and return thereof, fifteen dollars; ~~levying a writ of possession without the aid of the county, two dollars; levying a writ of possession with the aid of the county, four dollars;~~ (j) summoning a grand jury, not including mileage to be paid by the county, ten dollars; (k) summoning a petit jury, not including mileage to be paid by the county, twelve dollars; (l) summoning a special jury, for each person impaneled, fifty cents; (m) calling a jury for a trial of a case or cause, fifty cents; (n) executing a writ of restitution or a writ of assistance and return, fifteen dollars; (o) calling an

inquest to appraise lands and tenements levied on by execution, one dollar; (p) calling an inquest to appraise goods and chattels taken by an order of attachment or replevin, one dollar; (q) advertising a sale in a newspaper in addition to the price of printing, one dollar; (r) advertising in writing for a sale of real or personal property, five dollars; ~~executing a writ of partition, four dollars;~~ and (s) making deeds for land sold on execution or order of sale, five dollars.

(2)(a) Except as provided in subdivision (b) of this subsection, the ~~The~~ commission due a sheriff on an execution or order of sale, an order of attachment decree, or a sale of real or personal property shall be: For each dollar not exceeding four hundred dollars, six cents; for every dollar above four hundred dollars and not exceeding one thousand dollars, four cents; and for every dollar above one thousand dollars, two cents.

(b) In real estate foreclosure, when any party to the original action purchases the property or when no money is received or disbursed by the sheriff, the commission shall be computed pursuant to subdivision (a) of this subsection but shall not exceed two hundred dollars.

(3) ~~(2)~~ The sheriff shall, on the first Tuesday in January, April, July, and October of each year, make a report to the county board showing (a) the different items of fees, except mileage, collected or earned, from whom, at what time, and for what service, (b) the total amount of the fees collected or earned by the officer since the last report, and (c) the amount collected or earned for the current year. He or she shall pay all fees earned to the county treasurer who shall credit the fees to the general fund of the county.

(4) ~~(3)~~ Any future adjustment made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.

(5) ~~(4)~~ Commencing on and after January 1, 1988, all fees earned pursuant to this section, except fees for mileage, by any constable who is a salaried employee of the State of Nebraska shall be remitted to the clerk of the county court. The clerk of the county

court shall pay the same to the General Fund.

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 8, line 15, after the last comma insert "and section 33-117, Revised Statutes Supplement, 1987,".

3. Renumber the remaining section accordingly.

MOTION - Override Veto on LB 853

Mrs. Johanns renewed her pending motion found in the Journal on page 1249 that LB 853 become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Ashford	Elmer	Johnson, R.	McFarland	Scofield
Baack	Goodrich	Korshoj	Moore	Warner
Barrett	Haberman	Labedz	Nelson	Wehrbein
Bernard-Stevens	Hall	Landis	Peterson	Weihing
Chizek	Hartnett	Lynch	Remmers	Wesely
Coordsen	Higgins	Marsh	Schellpeper	Withem
	Johanns			

Voting in the negative, 12:

Abboud	Dierks	Johnson, V.	Langford	Pirsch
Beyer	Hannibal	Lamb	Morehead	Smith
Chambers	Johnson, L.			

Present and not voting, 1:

Schmit

Excused and not voting, 5:

Campbell	Conway	Hefner	Miller	Rogers

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 519

Messrs. Chizek, Ashford, Hall, and Wesely renewed their pending motion found in the Journal on page 1314 that LB 519 become law notwithstanding the objections of the Governor.

Mr. Chizek 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. Chizek moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Chizek requested a roll call vote on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 28:

Baack	Dierks	Higgins	Morehead	Schmit
Bernard-Stevens	Elmer	Johanns	Nelson	Smith
Beyer	Goodrich	Korshoj	Peterson	Weihing
Chizek	Haberman	Labedz	Pirsch	Wesely
Coordsen	Hall	Lynch	Remmers	Withem
	Hartnett	McFarland	Schellpeper	

Voting in the negative, 15:

Abboud	Chambers	Johnson, L.	Landis	Moore
Ashford	Hannibal	Johnson, V.	Langford	Warner
Barrett	Hefner	Lamb	Marsh	Wehrbein

Present and not voting, 2:

Johnson, R. Scofield

Excused and not voting, 4:

Campbell Conway Miller Rogers

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

RESOLUTIONS

LEGISLATIVE RESOLUTION 326. Introduced by Abboud, 12th District; Beyer, 3rd District; Chizek, 31st District.

WHEREAS, the Millard South Indians won the 1988 Class A state basketball championship Saturday, March 12; and

WHEREAS, the Indians had also won the Metro holiday tournament in December as well as the district championship before winning the state championship; and

WHEREAS, the determination, winning attitude, determined defense, outside shooting, and team discipline were key to Millard South's success; and

WHEREAS, Coach Larry Ribble and his team played a season against outstanding teams; and

WHEREAS, Coach Ribble has now had more than three hundred wins in his twenty-one years of coaching.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Coach Larry Ribble and the Millard South basketball team for their winning of the Class A state basketball championship.

2. That the Clerk of the Legislature send a copy of this resolution to Millard South High School.

Laid over.

LEGISLATIVE RESOLUTION 327. Introduced by Remmers, 1st District.

WHEREAS, the Falls City Sacred Heart boys basketball team finished their basketball season with a 23-1 record; and

WHEREAS, the Falls City Sacred Heart boys basketball team won their first Class D-1 championship this year; and

WHEREAS, the coach of the Falls City Sacred Heart boys basketball team, Doug Goltz, is a 1981 graduate of Sacred Heart.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The members of the Legislature extend their congratulations and best wishes to the Falls City Sacred Heart boys basketball team and Coach Goltz for winning the 1988 Boys State Basketball Tournament Class D-1 championship.

2. That a copy of this resolution be sent to the principal of Falls City Sacred Heart School.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 294 in the Journal. No objections. So ordered.

AM2546

(Amendments to Standing Committee amendments, AM1450)

1. Insert the following new sections:

"Section 1. That section 77-2602, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2602. Every person engaged in distributing or selling cigarettes at wholesale in this state shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On each package of cigarettes containing not more than twenty cigarettes, ~~twenty-seven~~ thirty cents per package, and on packages containing more than twenty cigarettes, the same tax as provided on packages containing not more than twenty cigarettes for the first twenty cigarettes in each package and a tax of one-twentieth of the tax on the first twenty cigarettes on each cigarette in excess of twenty cigarettes in each package. Until July 1, 1988, ~~eighteen~~ twenty-one cents of such tax shall be placed in the General Fund, and commencing July 1, 1988, ~~sixteen~~ nineteen cents of such tax shall be placed in the General Fund. The remaining proceeds of such tax shall be distributed in the following order:

First, beginning July 1, 1980, the equivalent

of one cent of such tax shall be placed in the Nebraska Outdoor Recreation Development Cash Fund;

Second, beginning July 1, 1983, the equivalent of one cent of such tax shall be placed in the Nebraska Cancer Research Fund to carry out sections 81-637 to 81-640;

Third, there shall be placed in the University Buildings Renovation and Land Acquisition Fund the sum of one million and seven hundred sixty-five thousand and one hundred and fifty-three dollars and in the State College Buildings Renovation and Land Acquisition Fund the sum of three hundred sixty-one thousand and two hundred and twenty-two dollars each year for fiscal year 1984-85 through fiscal year 1993-94. Such amounts are hereby appropriated and the unexpended balances existing in such funds at the end of each fiscal year or biennium through June 30, 1994, are hereby reappropriated. The money in such funds shall be used for payment of the costs of building repair, remodeling, and renovation projects and equipment and land acquisition projects of the University of Nebraska and the Nebraska state colleges authorized by sections 85-1,111, 85-1,112, 85-322, and 85-323;

Fourth, beginning July 1, 1986, the equivalent of four cents of such tax, but in any event not less than four million four hundred fourteen thousand dollars, shall be placed in the University Facilities Construction Fund each fiscal year to carry out section 85-1,113. The Legislature shall appropriate the sum of four million four hundred fourteen thousand dollars each year for fiscal year 1986-87 either through fiscal year 1995-96 or until all financial obligations incurred in the contracts entered into by the Board of Regents pursuant to section 85-1,114 are discharged, whichever occurs first. The unexpended balance existing in the University Facilities Construction Fund on June 15 of each year shall be transferred to the General Fund;

Fifth, beginning July 1, 1988, the equivalent of one-half cent of such tax, but in any event not less than six hundred ninety-five thousand and one hundred and seventy-eight dollars, shall be placed in the University Facility Improvement Fund and the equivalent of one and one-half cents of such tax, but in any event not less than one million and eight hundred fifty-seven

thousand and two hundred and thirteen dollars shall be placed in the State College Facilities Improvement Fund for each fiscal year to carry out sections 85-1,116, 85-1,117, 85-324, and 85-325. The Legislature shall appropriate the sum of six hundred ninety-five thousand and one hundred and seventy-eight dollars each year for fiscal year 1988-89 through fiscal year 1997-98 or until all financial obligations incurred in the contracts entered into by the Board of Regents pursuant to section 85-1,117 are discharged, whichever occurs first. The Legislature shall appropriate the sum of one million and eight hundred fifty-seven thousand and two hundred and thirteen dollars each year for fiscal year 1988-89 through fiscal year 1997-98 or until all financial obligations incurred in the contracts entered into by the Board of Trustees of the Nebraska State Colleges pursuant to section 85-325 are discharged, whichever occurs first. The unexpended balance existing in the University Facility Improvement Fund and the State College Facilities Improvement Fund on June 15 of each year shall be transferred to the General Fund; and

Sixth, the balance of such proceeds shall be placed in a special fund to be known as the Nebraska Capital Construction Fund and disbursements from such fund shall be as the Legislature shall from time to time provide.

The Legislature hereby finds and determines that the projects funded from the University Buildings Renovation and Land Acquisition Fund, the State College Buildings Renovation and Land Acquisition Fund, the University Facilities Construction Fund, the University Facility Improvement Fund, and the State College Facilities Improvement Fund are of critical importance to the State of Nebraska. It is the intent of the Legislature that the allocations and appropriations made by the Legislature to such funds not be reduced until all contracts relating to the construction and financing of the projects funded from such funds are completed and that until such time any reductions in the cigarette tax rate made by the Legislature shall be simultaneously accompanied by equivalent reductions in the amount dedicated to the General Fund from cigarette tax revenue. Any provision made by the Legislature for distribution of the proceeds of the cigarette tax for

projects or programs other than those to (1) the General Fund, (2) the Nebraska Outdoor Recreation Development Cash Fund, (3) the Nebraska Cancer Research Fund, (4) the University Buildings Renovation and Land Acquisition Fund and the State College Buildings Renovation and Land Acquisition Fund, (5) the University Facilities Construction Fund, and (6) the University Facility Improvement Fund and the State College Facilities Improvement Fund shall not be made a higher priority than or an equal priority to any of the programs or projects specified in subdivisions (1) to (6) of this section.

Sec. 5. That original section 77-2602, Revised Statutes Supplement, 1987, is repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 3, line 5, strike "This" and insert "Sections 1, 4, and 5 of this act shall become operative on July 1, 1988, and the remaining sections of this".

3. Renumber the remaining sections accordingly.

COMMUNICATION

March 14, 1988

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 853 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 853, notwithstanding the objections of the Governor.

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

PJO:r

Enc.

CERTIFICATE

Legislative Bill 853 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this fourteenth day of March, 1988.

(Signed) William E. Nichol
President of the Legislature

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 833. Title read. Considered.

Standing Committee amendment, AM2197, found in the Journal on page 1021 for the Thirty-Third Day was considered.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee 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.

SELECT FILE

LEGISLATIVE BILL 1100. Considered.

The pending Lynch amendment, AM2456, found in the Journal on page 1293 and considered on page 1326 to the pending Morehead-Hannibal-Miller amendment, AM2394, printed separate from the Journal and referred to on page 1224 and considered on page 1326, was renewed.

Mr. Lynch withdrew his pending amendment, AM2456.

The pending Morehead-Hannibal-Miller amendment, AM2394, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Ms. Scofield withdrew her pending amendment, AM2451, found in the Journal on page 1284.

Ms. Scofield offered the following amendment:
AM2505

(Amendments to AM2310)

1. Strike sections 80 and 81 and insert the following new section:

"Sec. 80. That section 71-1,258, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,258. (1) A person shall be qualified to be a certified master social worker if he or she (a) has a doctorate or a master's degree in social work from an approved educational program, (b) has had a minimum of at least three thousand hours of experience, in addition to the master's or doctorate degree, in social work under the supervision of a certified master social worker, (c) provides evidence to the board that he or she meets the requirements of subdivisions (1)(a) and (1)(b) of this section, and (d) satisfactorily passes an examination approved by the board. The department, upon the recommendation of the board, may adopt and promulgate rules and regulations defining the experience required under subdivision (1)(b) of this section.

(2) A person shall be qualified to be a certified social worker if he or she (a) has a baccalaureate or master's degree in social work (i) from an approved educational program or (ii) from any program of social work education and training in which the person was enrolled between July 17, 1983, and October 1, 1987, if the person applies to the department for a certificate by October 1, 1990, and (b) provides evidence to the board of his or her professional education.".

2. On page 22, line 11, strike "85, 92, and 133" and insert "84, 91, and 132".

3. On page 23, line 8, strike "71-1,260,".

4. Renumber the remaining sections accordingly.

The Scofield amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Lynch moved to indefinitely postpone LB 1100.

SPEAKER BARRETT PRESIDING

Mr. Lynch withdrew his pending motion to indefinitely postpone.

Mr. Lamb withdrew his pending amendment, AM2404, found in the Journal on page 1215.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1143. Placed on Select File as amended.
E & R amendment to LB 1143:
AM5400

1. On page 6, line 5, strike "sections 81-885.01 to 81-885.48" and insert "the Nebraska Real Estate License Act".

LEGISLATIVE BILL 1143A. Placed on Select File.

LEGISLATIVE BILL 835. Placed on Select File as amended.
E & R amendments to LB 835:
AM5401

1. On page 2, line 21, reinstate the stricken comma; and in line 24 strike the comma and show as stricken.
2. On page 3, line 1, strike "; and the", show as stricken, and insert ". The"; and in line 14 strike "the provisions of" and show as stricken.

LEGISLATIVE BILL 1079. Placed on Select File as amended.
E & R amendment to LB 1079:
AM5402

1. In the Standing Committee amendments, AM2126, adopted March 11, 1988:
   a. On page 1, line 9, after "division" insert "of the state";
   b. On page 3, line 7, strike "is" and insert

"in"; and in line 10 before "No" insert "(3)";
c. On page 4, line 2, before "day" insert "calendar"; and in line 12 strike "three months" and insert "ninety calendar days"; and
d. On page 5, line 11, after "to" insert "a"; and in line 13 after "except" insert "that".

(Signed) Scott Moore, Chairperson

SELECT FILE

LEGISLATIVE RESOLUTION 248CA. E & R amendments, AM5352, found in the Journal on page 1092 for the Thirty-Sixth Day were adopted.

Messrs. Chambers and Hall renewed their pending amendment, AM2355, found in the Journal on page 1157.

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 the Chambers-Hall amendment.

Voting in the affirmative, 26:

Abboud	Beyer	Hannibal	Korshoj	Remmers
Ashford	Chambers	Hartnett	Labedz	Scofield
Baack	Chizek	Hefner	McFarland	Wehrbein
Barrett	Dierks	Johanns	Moore	Weihing
Bernard-Stevens	Elmer	Johnson, R.	Nelson	Withem
	Hall			

Voting in the negative, 7:

Coordsen	Landis	Marsh	Morehead	Warner
Lamb	Langford			

Present and not voting, 10:

Goodrich	Higgins	Johnson, V.	Pirsch	Schmit
Haberman	Johnson, L.	Peterson	Schellpeper	Wesely

Excused and not voting, 6:

Campbell Lynch Miller Rogers Smith
Conway

The Chambers-Hall amendment was adopted with 26 ayes, 7 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Warner requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 28 ayes, 5 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Ms. Scofield, Mesdames Pirsch, Higgins, and Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 838A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1165. E & R amendments, AM5389, found in the Journal on page 1252 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1105A. Advanced to E & R for Engrossment.

MESSAGE FROM THE GOVERNOR

March 14, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 657, 963, 963A, 980, and 980A were received in my office on March 10, 1988.

These bills were signed by me on March 14, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR

Governor

BILL ON FIRST READING

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

LEGISLATIVE BILL 1207A. Introduced by Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1207, Ninetieth Legislature, Second Session, 1988; and to declare an emergency.

MESSAGE FROM THE SECRETARY OF STATE

March 14, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 853, without the Governor's signature and with her objections, was filed in the office of Secretary of State on March 14, 1988.

In addition, I hereby acknowledge receipt of your cover letter dated March 14, 1988 and a Certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

> Legislative Bill 853 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this fourteenth day of March, 1988.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of record.

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 L.B. 853, without the Governor's signature and with her objections, was filed in the office of Secretary of State on March 14, 1988.

In addition, I hereby certify that I received a cover letter dated March 14, 1988 and a certificate signed by William E. Nichol as President of the Legislature, the contents of which are as follows:

> Legislative Bill 853 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this fourteenth day of March, 1988.

Finally, I hereby certify that all of these documents have been filed in this office as 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 fourteenth day of March in the year of our Lord, one thousand nine hundred and eighty-eight.

(SEAL)

Allen J. Beermann,
Secretary of State

SELECT FILE

LEGISLATIVE BILL 160. E & R amendments, AM5353, found in the Journal on page 1132 for the Thirty-Seventh Day were adopted.

Mr. Wesely and Mrs. Morehead renewed their pending amendment, AM2413, found in the Journal on page 1237.

Mr. Wesely and Mrs. Morehead withdrew their pending amendment, AM2413.

Mr. Hall offered the following amendment:
strike 60 and insert 62 yrs.

Mr. Hall requested a record vote on his amendment.

Voting in the affirmative, 12:

Elmer	Johanns	Lamb	Langford	Weihing
Hall	Korshoj	Landis	Schellpeper	Wesely
Hannibal	Labedz			

Voting in the negative, 20:

Ashford	Beyer	Hartnett	Lynch	Remmers
Baack	Chizek	Hefner	Marsh	Warner
Barrett	Goodrich	Johnson, L.	Moore	Wehrbein
Bernard-Stevens	Haberman	Johnson, R.	Nelson	Withem

Present and not voting, 8:

Chambers	Dierks	McFarland	Peterson	Schmit
Coordsen	Johnson, V.	Morehead		

Excused and not voting, 9:

Abboud	Conway	Miller	Rogers	Smith
Campbell	Higgins	Pirsch	Scofield	

The Hall amendment lost with 12 ayes, 20 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment with 27 ayes, 5 nays, 8 present and not voting, and 9 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1030. Placed on Select File as amended.
E & R amendments to LB 1030:
AM5404

1. In the L. Johnson et al. amendment, AM2005, adopted March 11, 1988:

a. On page 1, line 11, strike the comma and show as stricken;

b. On page 3, line 4, after "the" insert "second".

2. On page 1, line 2, after "25-1011" insert ", 25-1012.01, 25-1031.02,"; and in line 6 after the

second semicolon insert "to provide for the application of garnishment laws as prescribed; to provide fees;".

3. On page 3, line 14, after "of" insert "a"; and in line 21 after "receipt" insert "of the notice to judgment debtor form".

4. On page 5, line 11, strike the comma and show as stricken.

LEGISLATIVE BILL 463. Placed on Select File as amended.
E & R amendments to LB 463:
AM5403

1. On page 1, line 5, strike "1986" and insert "1987"; in line 6 strike "Service" and insert "Services" and strike "a penalty" and insert "penalties"; in line 7 strike "a penalty" and insert "provisions relating to abuse of an incompetent or disabled person"; and in line 8 after the semicolon insert "and".

2. On page 3, line 10, strike "(a)" and insert "(1)"; in line 11 strike "(b)" and insert "(2)"; in line 12 strike "(c)" and insert "(3)"; in line 14 strike "(d)" and insert "(4)"; and in line 16 strike "(e)" and insert "(5)".

3. On page 8, line 3; page 10, line 7; and page 17, line 8, strike the comma.

4. On page 14, strike line 12 and insert ", and the appeal shall be in accordance with the Administrative Procedure Act.".

5. On page 19, line 22; page 24, line 18; and page 26, line 3, strike the comma and show as stricken.

6. On page 20, line 8, strike "any" and show as stricken; in line 17 strike the comma and show as stricken; and in line 18 strike the second "and" and show as stricken.

7. On page 21, line 24, after "and" insert an underscored comma.

8. On page 22, line 1, after "28-707" insert an underscored comma.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendments to LB 90 in the Journal. No objections. So ordered.

(1)

AM2559

1. In the E & R amendments, AM5391, on page 1, line 4, strike "subdivision" and insert "subsections"; in line 10 after the period insert:

"(10) Prior to any hearing to determine whether or not there is a compelling need under this section, the court shall appoint a guardian ad litem to represent the child. The guardian ad litem shall represent the child's best interests and shall be present at any time that any person talks to the child about his or her proposed testimony."; and in line 11 strike "subdivisions" and insert "subsections".

(2)

AM2558

1. On page 3, line 20, after the period insert "Compelling need shall be shown by clear and convincing evidence.".

2. In the Standing Committee amendments, AM0159, on page 1, line 6, after the period insert "Compelling need shall be shown by clear and convincing evidence.".

(3)

AM2562

1. On page 5, line 20, after "and" insert "the right to meet witnesses face-to-face contained in".

(4)

AM2554

1. On page 3, line 20, strike "ordinarily".

(5)

AM2555

1. In the E & R amendments, AM5391, on page 1, line 4, strike "subdivision" and insert "subsections"; in line 10 after the period insert:

"(10) After a finding of compelling need by the court, neither party may call the child witness to testify as a live witness at the trial before the jury

unless that party demonstrates that the compelling need no longer exists."; and in line 11 strike "subdivisions" and "subsections".

(6)

AM2556

1. On page 2, line 3; and page 3, line 19, strike "or a child witness to".

2. On page 2, line 7; and page 4, line 15, strike "or child witness".

3. In the Standing Committee amendments, AM0159, on page 1, line 12, strike "or child-witness".

(7)

AM2560

1. On page 5, line 7, strike "may" and insert "shall"; and in line 9 strike "or on camera".

(8)

AM2557

1. On page 5, line 11, strike "eleven" and insert "nine".

(9)

AM2561

1. On page 4, strike beginning with "Unless" in line 10 through the first "the" in line 11 and insert "The".

Messrs. Lamb and Bernard-Stevens asked unanimous consent to print the following amendment to LB 305 in the Journal. No objections. So ordered.

AM2552

(Amendments to the Final Reading copy)

1. On page 12, line 2, strike beginning with "execute" through "release", show as stricken, and insert an underscored comma; strike beginning with the period in line 3 through "also" in line 6, show the old matter as stricken, and insert an underscored comma; in line 6 strike "same", show as stricken, and insert "the lien"; and in line 8 strike "release and" and show as stricken.

RESOLUTION

LEGISLATIVE RESOLUTION 328. Introduced by R. Johnson, 34th District.

WHEREAS, the Hampton High School boys basketball team participated in last year's Boys State Basketball Tournament, Class D-2; and

WHEREAS, the Hampton High School boys basketball team won the Class D-2 Championship in the 1988 Boys State Basketball Tournament; and

WHEREAS, the efforts and hard work of the team members and Coach Jerry Eickhoff deserve recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their congratulations to the Hampton High School boys basketball team and Coach Eickhoff for winning the Class D-2 Championship.

2. That a copy of this resolution be sent to the principal of Hampton High School.

Laid over.

VISITORS

Visitors to the Chamber were Mr. Gabriel Aurillo, Mr. Florante Gonda Macatangay, Jr., Ms. Jane Paredes, Mr. Roberto D. del Rosario, Mr. Adrian O. Sison, Mr. Cesar M. Salazar, Ms. Jessica Soho, Mr. Jaime Rodeo Torres, and Mr. Tito Adolfo G. Cruz from the Philippines, and Mr. Prem Vaidya from India; and 11 members of the 4 Mile Extension Club from Plattsmouth.

ADJOURNMENT

At 4:47 p.m., on a motion by Mr. Goodrich, the Legislature adjourned until 9:00 a.m., Tuesday, March 15, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 15, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 15, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Charles Wildman, Vine Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, V. Johnson, Landis, Miller, and Mrs. Campbell who were excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Hall, Hartnett, R. Johnson, Korshoj, McFarland, Schmit, Mesdames Johanns, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Third Day was approved.

REPORTS

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of February, 1988 from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

Received from the Nebraska Department of Education the Chief Negotiators report for labor negotiations between the Department

of Education and the Nebraska Department of Education Teacher's Association, and report between the Department of Education and the Nebraska Association of Public Employees, AFSCME Local 61, pursuant to §81-1384, R.R.S. 1943.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 318, LR 319, LR 320, LR 321, LR 322, LR 323, and LR 324.

GENERAL FILE

LEGISLATIVE BILL 1041. The next Standing Committee amendment is Section 28, page 24, of AM2250.

The Standing Committee amendment, Section 28, was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

The next Standing Committee amendment is Section 29, page 24, of AM2250.

The Standing Committee amendment, Section 29, was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

The next Standing Committee amendment is Section 30, page 25, of AM2250.

Mrs. Higgins requested a record vote on the Standing Committee amendment, Section 30.

Voting in the affirmative, 29:

Baack	Hall	Johnson, R.	Nelson	Warner
Barrett	Hannibal	Labedz	Remmers	Wehrbein
Chizek	Hefner	Lamb	Rogers	Weihing
Conway	Higgins	Langford	Schellpeper	Wesely
Dierks	Johanns	Marsh	Scofield	Withem
Elmer	Johnson, L.	Moore	Smith	

Voting in the negative, 4:

Ashford	Goodrich	Korshoj	Pirsch	

Present and not voting, 7:

Bernard-Stevens	Chambers	Haberman	Morehead	Peterson
	Coordsen	Lynch		

Excused and not voting, 9:

Abboud	Campbell	Johnson, V.	McFarland	Schmit
Beyer	Hartnett	Landis	Miller	

The Standing Committee amendment, Section 30, was adopted with 29 ayes, 4 nays, 7 present and not voting, and 9 excused and not voting.

The next Standing Committee amendment is Section 34, page 26, of AM2250.

Mr. Moore renewed his pending amendment found in the Journal on page 1271 and corrected on page 1286 to Section 34, page 26, of AM2250.

Mr. Barrett 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 25 ayes, 7 nays, and 17 not voting.

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 8:

Coordsen	Hall	Moore	Pirsch	Schellpeper
Haberman	Korshoj	Morehead		

Voting in the negative, 25:

Ashford	Chizek	Hannibal	Johnson, R.	Smith
Baack	Conway	Hefner	Marsh	Warner
Bernard-Stevens	Dierks	Higgins	Nelson	Wehrbein
	Elmer	Johanns	Remmers	Weihing
Chambers	Goodrich	Johnson, L.	Scofield	Wesely

Withem

Present and not voting, 7:

Barrett	Lamb	Lynch	Peterson	Rogers
Labedz	Langford			

Excused and not voting, 9:

Abboud	Campbell	Johnson, V.	McFarland	Schmit
Beyer	Hartnett	Landis	Miller	

The Moore amendment lost with 8 ayes, 25 nays, 7 present and not voting, and 9 excused and not voting.

SPEAKER BARRETT PRESIDING

Mr. Ashford offered the following amendment to Section 34, page 26, of AM2250:

On p. 26 after line 16, insert the following sentence:

"It is further intended that in making salary adjustments, the Board of Regents shall consider the similarity of work performed by faculty and other employees at separate institutions within the university system."

Ms. Scofield 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. Ashford withdrew his pending amendment.

The Standing Committee amendment, Section 34, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Messrs. McFarland, Baack, and Chizek asked unanimous consent to be excused until they return. No objections. So ordered.

The next Standing Committee amendment is Section 38, page 27, of AM2250.

PRESIDENT NICHOL PRESIDING

The Standing Committee amendment, Section 38, was adopted with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

Pending.

Messrs. Barrett and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 329. Introduced by Dierks, 40th District.

WHEREAS, Coach Bruce Chubick and the Atkinson West Holt Huskies basketball team have displayed remarkable ability and teamwork; and

WHEREAS, the Huskies' perfect 24-0 record marks the only undefeated season of any boys' basketball team in the State of Nebraska in 1987-88; and

WHEREAS, the Huskies finished seventh in the Omaha World-Herald All-Class rankings for 1987-88; and

WHEREAS, the Huskies were crowned the Class C-1 State Champions at the 1988 Boys' State Basketball Tournament.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Atkinson West Holt Huskies and Coach Bruce Chubick be congratulated on their success.

2. That a copy of this resolution be sent to Atkinson West Holt High School and be presented to the team.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 1091 in the Journal. No objections. So ordered.

AM2502

(Amendments to Standing Committee amendments, AM2351)

1. On page 1, line 13, after "(1)" insert "(a)" and strike "treasurer" and insert "clerk"; in line 16 strike "(a)"; and strike line 21.

2. On page 2, strike lines 1 through 3; in line 4 strike the first "the"; after line 5 insert:

"(b) The Tax Commissioner shall determine from determinations made pursuant to section 77-629 the amount of tax revenue from railroad carline personal property which is lost for budget year 1987-88 due to any lawsuit challenging current laws on the taxation of such property."; in line 21 strike "amounts" and insert "an amount"; in line 22 strike "are" and insert "is" and strike "amounts" and insert "amount of taxes"; and in line 24 after "state" insert "as determined from information established pursuant to subsection (1) of this section".

3. On page 4, after line 6 insert:

"For purposes of this section, state aid shall mean appropriations and distributions made pursuant to sections 77-27,136 to 77-27,137.02 and 79-2651 and the School Foundation and Equalization Act.".

Mr. Ashford asked unanimous consent to print the following amendment to LB 855 in the Journal. No objections. So ordered.

AM2563

1. Insert the following new sections:

"Section 1. Due to the passage of sections 1 to 5 of this act, the Legislature hereby finds and declares that there will be a loss in revenue to the state and its political subdivisions of approximately two hundred and fifteen thousand dollars per year from the elimination of premium tax on nontax-qualified annuities for the next three years, until the growth, new employment, and investment contemplated in sections 1 to 5 of this act result in sufficient additional revenues to the state and its political subdivisions to replace such lost revenue.

Sec. 2. For the purpose of providing the funds necessary to replace the lost revenue described in section 1 of this act, the Director of Insurance shall make an assessment of two hundred and fifteen thousand dollars per year for the years 1988, 1989, and 1990 against those Nebraska domestic life insurance companies that write nontax-qualified annuities. Assessments shall be made by the director proportionately to each Nebraska domestic annuity writer based on its

proportionate share of the total premium tax and retaliatory tax savings that the removal of this tax provides to all of the Nebraska domestic annuity writers each year. The director shall approve the schedule on which the tax savings shall be reported. The schedule reporting the tax savings shall be filed with the director by March 15 in the year immediately following the year for which the tax savings is reported. The director shall make the assessment by April 1 of the same year, and such assessment shall be due April 15 of the same year.

Sec. 3. The funds generated pursuant to section 2 of this act shall be disbursed by the Director of Insurance in accordance with sections 77-912 and 77-913.

Sec. 6. This act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1988.".

2. On page 3, line 12, after "on" insert "all"; in line 13 strike "or" and insert "and"; in line 15 strike "805(d)(1)", show as stricken, and insert "818(a)" and strike "1954", show as stricken, and insert "1986"; and in line 16 strike "as of January 1, 1965" and show as stricken.

3. On page 5, line 11, after "on" insert "all" and strike "or" and insert "and"; and in line 15 strike "1954", show as stricken, and insert "1986".

4. Strike the Standing Committee amendments, AM2074.

5. Renumber the remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 716 in the Journal. No objections. So ordered.

AM2575

(Amendments to AM2390)

1. Insert the following new section:

"Sec. 7. The changes made by Legislative Bill 716, Ninetieth Legislature, Second Session, 1988, shall in no way affect any civil or criminal case pending on, or filed prior to, the effective date of this act.".

2. Renumber the remaining section accordingly.

REPORT

Received annual report from the Department of Revenue on the Employment and Investment Growth Act (LB 775) and the Employment Expansion and Investment Incentive Act (LB 270).

GENERAL FILE

LEGISLATIVE BILL 1041. The next Standing Committee amendment is Section 42, page 30, of AM2250.

The Standing Committee amendment, Section 42, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The next Standing Committee amendment is Section 13, page 13, of AM2250.

The Standing Committee amendment, Section 13, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The next Standing Committee amendment is Section 43, page 31, of AM2250.

Mrs. Pirsch and Mr. Schmit offered the following amendment to Section 43, page 31, of AM2250:
AM2527

(Amendments to AM2250)

1. On page 31, line 19, after the first semicolon insert "after line 8, insert the following:

'(3) Program No. 201 - Crime Victim - Witness Assistance

	FY1987-88	FY1988-89
GENERAL FUND	-0-	100,000
PROGRAM TOTAL	-0-	100.000

No expenditures for personal services shall be made from funds appropriated to this program.';" and strike "(3)" and insert "(4)".

2. On page 32, line 19, after the underscored period insert:

"(5) Program No. 202 - Crime Victim's Reparations Committee

	FY1987-88	FY1988-89
GENERAL FUND	-0-	200,000
PROGRAM TOTAL	-0-	200,000

No expenditures for personal services shall be made from funds appropriated to this program."; in line 20 before the semicolon insert "and strike '0' and insert '300,000'"; and in line 22 before the period insert "and strike '0' and insert '300,000'".

Pending.

VISITORS

Visitors to the Chamber were Roland and Catherine Brown from Memphis, Tennessee; 60 fifth and sixth grade students and teachers from West Lincoln Elementary; 34 fifth and sixth grade students and teachers from Medicine Valley Elementary School, Curtis; 17 students and sponsor from KSC Community journalism class; 9 seniors and teacher from Diller; 100 students and teachers from Millard South High School; 19 students and teacher from Ralston High School; and 27 third grade students and teacher from Nemaha Valley.

RECESS

At 11:52 a.m., 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 Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Campbell, Messrs. V. Johnson, Landis, and Miller who were excused; and Messrs. Bernard-Stevens, Beyer, Chambers, Dierks, Hartnett, Peterson, Schmit, and Mrs. Higgins who were excused until they arrive.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 257.

A BILL FOR AN ACT relating to imprisonment; to amend sections 29-2915, 83-1020, 83-1028, 83-1039, and 83-1078, Reissue Revised Statutes of Nebraska, 1943; to provide for the reduction of jail sentences as prescribed; to change placement provisions for mentally ill dangerous persons as prescribed; to provide duties for community mental health centers and the Department of Public Institutions; 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	Goodrich	Johnson, R.	Moore	Scofield
Ashford	Haberman	Korshoj	Morehead	Smith
Baack	Hall	Labedz	Nelson	Warner
Barrett	Hannibal	Lamb	Pirsch	Wehrbein
Chizek	Hefner	Langford	Remmers	Weihing
Conway	Johanns	Marsh	Rogers	Wesely
Coordsen	Johnson, L.	McFarland	Schellpeper	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 12:

Bernard-Stevens	Campbell	Hartnett	Landis	Peterson
	Chambers	Higgins	Miller	Schmit
Beyer	Dierks	Johnson, V.		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 320.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-5009, Reissue Revised Statutes of Nebraska, 1943;

to change a provision relating to funding of certain programs, services, and facilities as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Dierks	Johnson, L.	McFarland	Rogers
Ashford	Elmer	Johnson, R.	Moore	Schellpeper
Baack	Goodrich	Korshoj	Morehead	Smith
Barrett	Haberman	Labedz	Nelson	Wehrbein
Chambers	Hall	Lamb	Peterson	Weihing
Chizek	Hefner	Langford	Pirsch	Wesely
Conway	Higgins	Marsh	Remmers	Withem
Coordsen	Johanns			

Voting in the negative, 1:

Warner

Present and not voting, 3:

Hannibal	Lynch	Scofield

Excused and not voting, 8:

Bernard-Stevens	Beyer	Hartnett	Landis	Schmit
	Campbell	Johnson, V.	Miller	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 384. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend sections 71-6201, 71-6203, 71-6217, 71-6221 to 71-6226, 71-6228, and 71-6230, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide and change criteria for the regulation of health professions; to require a letter of intent; to change application review procedures; to eliminate obsolete language; to provide for a fee; to harmonize provisions; to

extend the termination date of such act; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Coordsen	Johanns	Marsh	Schellpeper
Ashford	Dierks	Johnson, L.	McFarland	Scofield
Baack	Elmer	Johnson, R.	Moore	Smith
Barrett	Goodrich	Korshoj	Nelson	Warner
Beyer	Haberman	Labedz	Peterson	Wehrbein
Chambers	Hall	Lamb	Pirsch	Weihing
Chizek	Hefner	Langford	Remmers	Wesely
Conway	Higgins	Lynch	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Hannibal Morehead

Excused and not voting, 7:

Bernard-Stevens	Campbell	Johnson, V.	Miller	Schmit
	Hartnett	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 384A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 384, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Dierks	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Moore	Scofield
Baack	Goodrich	Korshoj	Morehead	Smith
Barrett	Haberman	Labedz	Nelson	Warner
Beyer	Hall	Lamb	Peterson	Wehrbein
Chambers	Hefner	Langford	Pirsch	Weihing
Chizek	Higgins	Lynch	Remmers	Wesely
Conway	Johanns	Marsh	Rogers	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Hannibal

Excused and not voting, 7:

Bernard-Stevens	Campbell	Johnson, V.	Miller	Schmit
	Hartnett	Landis		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 821.

A BILL FOR AN ACT relating to courts; to amend section 25-2221, Reissue Revised Statutes of Nebraska, 1943; to authorize courts and their offices to close on the Birthday of Martin Luther King, Jr.; and to repeal the original section.

Whereupon the 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	Chizek	Haberman	Johnson, L.	Marsh
Ashford	Conway	Hall	Johnson, R.	McFarland
Baack	Coordsen	Hannibal	Labedz	Moore
Barrett	Dierks	Hefner	Lamb	Morehead
Beyer	Elmer	Higgins	Langford	Nelson
Chambers	Goodrich	Johanns	Lynch	Pirsch

Remmers	Schellpeper	Smith	Wehrbein	Wesely
Rogers	Scofield	Warner	Weihing	Withem

Voting in the negative, 0.

Present and not voting, 2:

Korshoj	Peterson

Excused and not voting, 7:

Bernard-Stevens	Campbell	Hartnett	Johnson, V.	Landis
Miller	Schmit			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 834.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3509.01, 77-3509.02, and 77-3514, Revised Statutes Supplement, 1987; to provide for the transfer of a homestead exemption in all counties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Dierks	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Moore	Scofield
Baack	Goodrich	Korshoj	Morehead	Smith
Barrett	Haberman	Labedz	Nelson	Warner
Beyer	Hall	Lamb	Peterson	Wehrbein
Chambers	Hannibal	Langford	Pirsch	Weihing
Chizek	Hefner	Lynch	Remmers	Wesely
Conway	Johanns	Marsh	Rogers	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 7:

Bernard-Stevens	Campbell	Hartnett	Johnson, V.	Landis
Miller	Schmit			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 842. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1303, Revised Statutes Supplement, 1987; to change a provision relating to the preparation of certain real estate records; 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	Dierks	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Moore	Scofield
Baack	Goodrich	Korshoj	Morehead	Smith
Barrett	Haberman	Labedz	Nelson	Warner
Beyer	Hall	Lamb	Peterson	Wehrbein
Chambers	Hannibal	Langford	Pirsch	Weihing
Chizek	Hefner	Lynch	Remmers	Wesely
Conway	Higgins	Marsh	Rogers	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Johanns

Excused and not voting, 7:

Bernard-Stevens	Campbell	Hartnett	Johnson, V.	Landis
Miller	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 864. With Emergency.

A BILL FOR AN ACT relating to the payment of claims; to amend sections 24-319, 24-321, 24-731, 24-733, 25-1806, 32-549, 53-113, 72-419, 72-420, 75-104, 77-2205, 77-2406, 77-2409, 77-2410, 77-2412, 77-2416, 81-804, 81-8,209 to 81-8,232, 81-8,237 to 81-8,239, 81-8,239.03, 81-1170, 81-1171, 81-1174 to 81-1177, 83-195, 83-1,128, 84-213, 85-122, 85-130, 85-301, and 85-316, Reissue Revised Statutes of Nebraska, 1943, and section 25-213, Revised Statutes Supplement, 1986; to change provisions relating to claims for certain payments and reimbursements; to eliminate a fund; to adopt the State Contract Claims Act and the State Miscellaneous Claims Act; to provide procedures for contract and miscellaneous claims against the state; to change an appeal procedure; to eliminate an obsolete provision and certain duties of the Director of Administrative Services; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 81-8,234, 81-8,236, 81-1172, and 81-1173, Reissue Revised Statutes of Nebraska, 1943, and section 77-2407, Revised Statutes Supplement, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Dierks	Johanns	McFarland	Schellpeper
Ashford	Elmer	Johnson, L.	Moore	Scofield
Baack	Goodrich	Korshoj	Morehead	Smith
Barrett	Haberman	Labedz	Nelson	Warner
Beyer	Hall	Lamb	Peterson	Wehrbein
Chambers	Hannibal	Langford	Pirsch	Weihing
Chizek	Hefner	Lynch	Remmers	Wesely
Conway	Higgins	Marsh	Rogers	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 7:

Bernard-Stevens	Campbell Hartnett	Johnson, V. Landis	Miller	Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 842, 834, 821, 384A, 384, 320, 257, and 864.

UNANIMOUS CONSENT - Member Excused

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Reconsider Action on LB 519

Mr. R. Johnson moved to reconsider the vote that LB 519 become law notwithstanding the objections of the Governor.

Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 330. Introduced by Moore, 24th District.

WHEREAS, 1988 is the centennial year of the Village of Bee, Nebraska, Nebraska's "honey of a town"; and

WHEREAS, the village was named because it is in the B precinct of Seward County; and

WHEREAS, Bee will be celebrating its centennial celebration this year; and

WHEREAS, the residents of Bee deserve special recognition for the contributions that they and their ancestors have made to the state in all areas as well as to Nebraska's spirit itself; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the residents of Bee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Bee, both past and present, who built Bee into a successful and fine community in which to live and who continue to keep the Bee community strong.

2. That a copy of this resolution be sent to Ray M. Policky, chairperson of the Village Board of Trustees.

Laid over.

LEGISLATIVE RESOLUTION 331. Introduced by Moore, 24th District.

WHEREAS, the administrators and staff of York College are committed to promoting and nurturing a full and comprehensive music program for students; and

WHEREAS, the administration and staff have been supportive of a sound college education, encouraging staff members to devote their time and energy into developing the talents of their students; and

WHEREAS, the York College A Capella Chorus comprised of students of the highest musical and academic caliber will be performing on March 29, 1988, at the State Capitol rotunda, in celebration of "Music In Our Schools Month," March 1988; and

WHEREAS, the Nebraska Music Educators Association sponsors "Music In Our Schools Month" to draw attention to the role of music as a part of the total educational process; and

WHEREAS, talent, hard work, and hours of practice have made the York College A Capella Chorus the outstanding musical ensemble they are today; and

WHEREAS, the members work hard at their music with rehearsals and classwork assignments, realizing that the amount of time and energy they are willing to expend directly affects the quality of their music; and

WHEREAS, the York College A Capella Chorus members and their parents can be extremely proud of their musical achievements and their participation in "Music In Our Schools Month."

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends York College, the York College A Capella Chorus, and the staff members involved in music education for their dedication to musical excellence and their participation in "Music In Our Schools Month."

2. That the Legislature extends a warm welcome to the staff and students of York College as they visit the Capitol for their performance in the Capitol rotunda.

3. that a copy of this resolution be sent to Clark Rousch, Director, York College A Capella Chorus.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 295. The Standing Committee amendments, AM0607, found in the Journal on page 1103 for the Forty-Fourth Day, First Session, 1987, and amended on pages 2418 and 2419, First Session, 1987, were renewed.

Mrs. Morehead withdrew the pending V. Johnson amendment, AM1435, found in the Journal on page 2397, First Session, 1987.

Mr. Hall withdrew his pending amendment, AM1316, found in the Journal on page 2408, First Session, 1987.

The Standing Committee amendments, as amended, lost with 0 ayes, 23 nays, 18 present and not voting, and 8 excused and not voting.

Mr. Hall withdrew his pending amendment, AM1409, found in the Journal on page 2351, First Session, 1987.

Mrs. Morehead renewed the pending V. Johnson-Morehead amendment, AM2336, printed separate from the Journal and referred to on page 1366.

Mr. Hall, Mesdames Labedz, and Langford offered the following amendment to the pending V. Johnson-Morehead amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM2583.)

Mr. Warner requested a ruling from the Chair on whether the Hall-Labedz-Langford amendment, AM2583, is germane to the V. Johnson-Morehead amendment, AM2336.

The Chair ruled the Hall-Labedz-Langford amendment, AM2583, is not germane to the V. Johnson-Morehead amendment, AM2336.

Mr. Hall challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Hefner 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 26 ayes, 0 nays, and 23 not voting.

Mr. Hall requested a record vote on his motion to overrule the Chair.

Voting in the affirmative, 15:

Ashford	Chizek	Goodrich	Johanns	Langford
Baack	Conway	Hall	Korshoj	Lynch
Chambers	Dierks	Higgins	Labedz	Withem

Voting in the negative, 23:

Abboud	Elmer	Moore	Remmers	Warner
Bernard-Stevens	Hannibal	Morehead	Rogers	Wehrbein
	Johnson, L.	Nelson	Schellpeper	Weihing
Beyer	Lamb	Peterson	Scofield	Wesely
Coordsen	Marsh	Pirsch	Smith	

Present and not voting, 4:

Barrett	Haberman	Johnson, R.	McFarland

Excused and not voting, 7:

Campbell	Hefner	Landis	Miller	Schmit
Hartnett	Johnson, V.			

The Hall motion to overrule the Chair lost with 15 ayes, 23 nays, 4 present and not voting, and 7 excused and not voting.

Mr. Hall offered the following amendment to the pending V. Johnson-Morehead amendment:

On page 16, line 9 strike the new language and reinstate the stricken language.

PRESIDENT NICHOL PRESIDING

Mrs. Higgins and Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 18 ayes, 4 nays, and 27 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Ashford	Conway	Haberman	Korshoj	Lynch
Baack	Goodrich	Hall	Labedz	Withem
Chizek				

Voting in the negative, 24:

Abboud	Coordsen	Lamb	Peterson	Smith
Barrett	Elmer	Marsh	Remmers	Warner
Bernard-Stevens	Hannibal	Moore	Rogers	Wehrbein
Beyer	Johnson, L.	Morehead	Schellpeper	Weihing
	Johnson, R.	Nelson	Scofield	Wesely

Present and not voting, 4:

Chambers	Dierks	Johanns	Langford

Absent and not voting, 1:

Pirsch

Excused and not voting, 9:

Campbell	Hefner	Johnson, V.	McFarland	Schmit
Hartnett	Higgins	Landis	Miller	

The Hall amendment lost with 11 ayes, 24 nays, 4 present and not voting, 1 absent and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

Mrs. Pirsch and Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 1170 in the Journal. No objections. So ordered.

AM2129

1. On page 10, line 18, reinstate the stricken matter; and in line 19 strike "Retirement Fund", show the old matter as stricken, and insert "Account".

Mr. Conway asked unanimous consent to print the following amendment to LB 301 in the Journal. No objections. So ordered.

AM2574

(Amendments to Final Reading copy)

1. On page 1, line 1, after the first semicolon insert "to amend section 43-107, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 372, Ninetieth Legislature, Second Session, 1988, section 43-109, Revised Statutes Supplement, 1986, as amended by section 2, Legislative Bill 372, Ninetieth Legislature, Second Session, 1988, and section 6, Legislative Bill 372, Ninetieth Legislature, Second Session, 1988;"; in line 5 strike "and"; and in line 6 after "agreements" insert "; to change provisions relating to time of filing medical histories as prescribed; to provide an operative date; and to repeal the original sections".

2. Insert the following new sections:

"Sec. 7. That section 43-107, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 372, Ninetieth Legislature, Second Session, 1988, be amended to read as follows:

43-107. Upon the filing of a petition for adoption, the county judge shall, except in the adoption of children by stepparents when the requirement of an investigation is discretionary, request the Department of Social Services or any child placement agency licensed by the department to examine into the allegations set forth in the petition and to ascertain any other facts relating to such minor child and the person or persons petitioning to adopt such child as may be relevant to the propriety of such adoption, except that the county judge shall not be required to request such an examination if the judge determines that information compiled in a previous examination or study is sufficiently current and comprehensive. Upon the request being made, the Department of Social Services or other licensed agency shall conduct an investigation and report its findings to the county judge in writing at least one week prior to the date set for hearing.

(2) Upon the filing of a petition for adoption, the county judge shall require that a complete medical history be provided on the child and, if available, on the biological mother and father unless the child is foreign born or was abandoned. The medical history or histories shall be made part of the court record and a copy of the medical history or histories shall be forwarded by the county court to the Bureau of Vital Statistics of the Department of Health. This subsection shall only apply to ~~petitions filed~~ adoptions when the relinquishment and consent to such adoption is given on or after September 1, 1988.

Sec. 8. That section 43-109, Revised Statutes Supplement, 1986, as amended by section 2, Legislative Bill 372, Ninetieth Legislature, Second Session, 1988, be amended to read as follows:

43-109. (1) If, upon the hearing, the court finds that such adoption is for the best interests of such minor child or such adult child of the adopting person's spouse, a decree of adoption shall be entered. No decree of adoption shall be entered unless (a) it appears that the child has resided with the person or persons petitioning for such adoption for at least six months next preceding the entering of the decree of adoption, except that such residency requirement shall not apply in an adoption of an adult child of the

adopting person's spouse, (b) the medical histories required by subsection (2) of section 43-107 have been made a part of the court record and have been forwarded by the county court to the Bureau of Vital Statistics of the Department of Health, and (c) the court record includes an affidavit or affidavits signed by the relinquishing biological parent, or parents if both are available, in which it is affirmed that, pursuant to section 3 of this act, prior to the relinquishment of the child for adoption, the relinquishing parent was, or parents if both are available were, (i) presented a copy or copies of the nonconsent form provided for in section 11 of this act and (ii) given an explanation of the effects of filing or not filing the nonconsent form. Subdivisions (b) and (c) of this subsection shall only apply to an adoption when the relinquishment and consent to such adoption is given ~~decrees of adoption entered~~ on or after September 1, 1988.

(2) If the adopted child was born out of wedlock, that fact shall not appear in the decree of adoption.

(3) The court may decree such change of name for the adopted child as the petitioner or petitioners may request.

Sec. 9. That section 6, Legislative Bill 372, Ninetieth Legislature, Second Session, 1988, be amended to read as follows:

Sec. 6. Sections 3 and 7 to 22 of this act shall provide the procedures for gaining access to information concerning an adopted person ~~persons placed for adoption~~ when the relinquishment and consent to the adoption is given on or after September 1, 1988. Sections 43-119 to 43-142 shall remain in effect for ~~persons placed for adoption~~ the adoption of any person when the relinquishment and consent to the adoption is given prior to September 1, 1988. Except as otherwise provided in subsection (2) of section 43-107 and subdivisions (1)(b) and (1)(c) of section 43-109, sections 43-101 to 43-118, 43-143 to 43-146, 71-626, 71-626.01, and 71-627.02 shall apply to all adoptions.

Sec. 10. Sections 7, 8, 9, and 11 of this act shall become operative on September 1, 1988. The other sections of this act shall become operative on their effective date.

Sec. 11. That original section 43-107, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 372, Ninetieth Legislature, Second Session, 1988, section 43-109, Revised Statutes Supplement, 1986, as amended by section 2, Legislative Bill 372, Ninetieth Legislature, Second Session, 1988, and section 6, Legislative Bill 372, Ninetieth Legislature, Second Session, 1988, are repealed.".

3. Insert underscoring in original sections 1 to 6.

Mr. Wesely asked unanimous consent to print the following amendment to LB 1100A in the Journal. No objections. So ordered.

AM2573

1. Insert the following new sections:

"Section 1. There is hereby appropriated (1) $27,129 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $62,447 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 1100, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $20,090 for the period July 1, 1988, to June 30, 1989, nor $48,867 for the period July 1, 1989, to June 30, 1990.

Sec. 2. There is hereby appropriated (1) $10,857 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $8,514 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 1100, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $6,065 for the period July 1, 1988, to June 30, 1989, nor $6,368 for the period July 1, 1989, to June 30, 1990.

Sec. 3. There is hereby appropriated (1) $43,386 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $38,533 from the General

Fund for the period July 1, 1989, to June 30, 1990, to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 1100, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $27,022 for the period July 1, 1988, to June 30, 1989, nor $28,375 for the period July 1, 1989, to June 30, 1990.

Sec. 5. There is hereby appropriated (1) $26,063 from the Bureau of Examining Boards' Cash Fund for the period July 1, 1988, to June 30, 1989, and (2) $15,792 from the Bureau of Examining Boards' Cash Fund for the period July 1, 1989, to June 30, 1990, to the Department of Health, for Program 178, to aid in carrying out the provisions of Legislative Bill 1100, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $14,952 for the period July 1, 1988, to June 30, 1989, nor $12,604 for the period July 1, 1989, to June 30, 1990.

Sec. 6. There is hereby appropriated $3,440 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Department of Health, for Program 178, to aid in carrying out the provisions of Legislative Bill 1100, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

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. Renumber original section 1 as section 4.

RESOLUTIONS

LEGISLATIVE RESOLUTION 332. Introduced by Smith, 33rd District.

WHEREAS, many Nebraska residents and visitors enjoy motorcycling as an energy-efficient mode of transportation and an enjoyable recreational activity; and

WHEREAS, most motorcycle accidents are caused by a lack of education on the part of both motorists and motorcyclists; and

WHEREAS, motorcycle rider training and education courses have been available in Nebraska for more than ten years; and

WHEREAS, education and safety habits for motorcyclists and motor vehicle operators alike is a high priority worthy of special recognition and wider public awareness; and

WHEREAS, Nebraska initiated Motorcycle Safety Awareness Days to promote safety through education and public awareness.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature designates the month of May, 1988, as Motorcycle Safety Awareness Days in Nebraska.

2. That the Legislature urges all motorcyclists and motorists to share the roadways and participate in this effort to promote safe riding and driving habits through increased education and public awareness.

Laid over.

LEGISLATIVE RESOLUTION 333. Introduced by Smith, 33rd District.

WHEREAS, the Hastings College Bronco's basketball team defeated Doane College in the NAIA District 11 championship game to earn a berth in the National Association of Intercollegiate Athletics Tournament March 16-22 in Kansas City; and

WHEREAS, it as been eleven years since Hastings last qualified for the NAIA national tournament; and

WHEREAS, the Hastings College Broncos will play Grand Canyon College of Arizona in the first round of the tournament on Thursday, March 17; and

WHEREAS, the Hastings College Broncos finished the season with a record of 27-5; and

WHEREAS, Hastings College's twenty-seven victories this season tie the school record for the number of wins in a season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Hastings College Bronco's basketball team be congratulated on their outstanding season and wished luck as they represent Nebraska in the NAIA national tournament in Kansas City.

2. That a copy of this resolution be sent to Head Coach Mike Trader and College President Thomas J. Reeves at Hastings College.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 15, 1988, at 2:55 p.m., were the following bills: 257, 320, 384, 384A, 821, 834, 842, and 864.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Member Excused

Mr. Moore asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 295. Mr. Hall offered the following amendment to the pending V. Johnson-Morehead amendment:

Page 10, line 8 after "law", insert "." and strike thru (f) on line 9. On page 11, line 22 after "law", insert "." and strike thru (f) on the same line.

The Hall amendment was adopted with 20 ayes, 0 nays, 17 present and not voting, and 12 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall offered the following amendment to the pending V. Johnson-Morehead amendment:

To amend AM2336

P. 16, line 23 strike "twenty" and insert "five". Page 17, lines 2 and 5 strike "twenty" and insert "five".

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hall amendment was adopted with 16 ayes, 2 nays, 17 present and not voting, and 14 excused and not voting.

Mr. Hall offered the following amendment to the pending V. Johnson-Morehead amendment:
P. 32, line 8, strike "two" and insert "one".

MRS. LABEDZ PRESIDING

The Hall amendment was adopted with 17 ayes, 0 nays, 18 present and not voting, and 14 excused and not voting.

Mr. Hannibal offered the following amendment to the pending V. Johnson-Morehead amendment:
To amend LB 295 (AM2336) as follows:
On page 37, line 2, strike "five" and insert "one".

The Hannibal amendment was adopted with 19 ayes, 0 nays, 15 present and not voting, and 15 excused and not voting.

Mrs. Johanns asked unanimous consent to be excused. No objections. So ordered.

The pending V. Johnson-Morehead amendment, as amended, was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 295A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 879 in the Journal. No objections. So ordered.

AM2232
(Amendments to Standing Committee amendments, AM1901)
1. On page 1, line 1, strike "6" and insert "4".

2. Insert the following new amendment:

"2. On page 14, line 3, after the period insert 'The increase provided in this section or any additional increase provided in this section subsequent to the effective date of this act shall be funded from the Contingent Fund, but only from such income which would be paid to the School Employees Savings Fund and the School Employers Deposit Fund.'.".

3. On page 9, line 16, strike "79-1549, 79-1558,".

4. Renumber the remaining sections accordingly.

5. Renumber the remaining amendments accordingly.

Mr. Conway asked unanimous consent to print the following amendment to LB 294 in the Journal. No objections. So ordered.

AM2444

(Amendments to Standing Committee amendments, AM1450)

1. Insert the following new sections:

"Section 1. That section 77-2716, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2716. (1) The following adjustments to federal adjusted gross income or, for corporations, federal taxable income shall be made for interest or dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes;

(c) There shall be added the total dividends and other income received from a regulated investment

company to the extent excluded for federal income tax purposes, except that when a regulated investment company has reported to the recipient that as of the end of each quarter of the tax year of the company at least eighty percent of its total assets were (i) obligations described in subdivision (a) of this subsection, the total dividends and other income may be excluded or (ii) obligations described in subdivision (b) of this subsection and obligations issued under the laws of Nebraska that are exempt for federal income tax purposes, the dividends and other income may be excluded to the extent they are attributable to obligations issued under the laws of Nebraska that are exempt for federal income tax purposes; and

(d)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the investment in the regulated investment company 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.

(ii) Any amount added under this subsection shall be reduced by any expenses incurred in the production of such income to the extent disallowed in the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual or partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal

adjusted gross income for all taxable years beginning on or after January 1, 1988, the amount of any state income tax refund to the extent such refund is included in federal adjusted gross income.

(4) Federal adjusted gross income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5) There shall be subtracted from federal adjusted gross income or, for corporations, federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986 that is actually taxed by a foreign country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

(7)(a) For all taxable years beginning or deemed to begin on or after January 1, 1989, for corporations required to file a combined report pursuant to Nebraska law, any affiliated corporation with eighty

percent or more of the average of its payroll and property assignable to locations outside the United States and the District of Columbia, and any distributions therefrom, shall be excluded from such combined report.

(b) Not withstanding subdivision (a) of this subsection:

(i) For 1989, corporations shall include in the combined report eighty percent of the income and apportionment factors of companies excluded in subdivision (a) of this subsection. Such corporations otherwise excluded under subdivision (a) of this subsection shall be allowed seventy-five percent of the deduction allowed in subsection (6) of this section;

(ii) For 1990, corporations shall include in the combined report sixty percent of the income and apportionment factors of companies excluded in subdivision (a) of this subsection. Such corporations otherwise excluded under subdivision (a) of this subsection shall be allowed fifty percent of the deduction allowed in subsection (6) of this section;

(iii) For 1991, corporations shall include in the combined report forty percent of the income and apportionment factors of companies excluded in subdivision (a) of this subsection. Such corporations otherwise excluded under subdivision (a) of this subsection shall be allowed twenty-five percent of the deduction allowed in subsection (6) of this section; and

(iv) For 1992 and thereafter, corporations shall include in the combined report twenty percent of the after-tax income and twenty percent of the apportionment factors of companies excluded in subdivision (a) of this subsection. Such corporations otherwise excluded under subdivision (a) of this subsection shall not be allowed the deduction allowed in subsection (6) of this section.

Sec. 6. That original section 77-2716, Revised Statutes Supplement, 1987, is repealed.".

2. On page 3, line 5, strike "This" and insert "Sections 2 to 5 of this"; and in line 6 after the period insert "The remaining sections shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1989.".

3. Renumber the remaining sections

17 accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 295 in the Journal. No objections. So ordered.

To amend AM2336
Page 28, line 23 strike the new language and reinstate the stricken language.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 833. Placed on Select File as amended.
E & R amendments to LB 833:
AM5405

1. In the Standing Committee amendments, AM2197, adopted March 14, 1988, on page 1, lines 9 to 10, strike "shall find", show as stricken, and insert "finds"; and in line 12 after "remove" insert "the vehicle".

2. On page 1, strike lines 2 through 6 and insert "39-671 and 60-2410, Reissue Revised Statutes of Nebraska, 1943; to provide liens for towing and storage fees as prescribed; to repeal the original sections; and to declare an emergency.".

(Signed) Scott Moore, Chairperson

VISITORS

Visitors to the Chamber were Ivan Coneely from Decatur; and Merlin Oswald from Madison.

ADJOURNMENT

At 5:01 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Wednesday, March 16, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 16, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 16, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Brian Houston, Vineyard Ministries, Goehner, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Campbell who was excused; and Messrs. Ashford, Haberman, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fourth Day was approved.

REPORTS

Received annual Early Childhood Licensing Report from the Nebraska Department of Social Services.

Received letter from the University of Nebraska pursuant to Section 81-1283 RRS Neb. 1943, on the status of negotiations "on March 16."

GENERAL FILE

LEGISLATIVE BILL 1041. The pending Pirsch-Schmit amendment, AM2527, found in the Journal on page 1396 to the pending Standing Committee amendment, Section 43, page 31, of AM2250, was renewed.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Pirsch-Schmit amendment was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, Section 43, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The next Standing Committee amendment is Section 46, page 34, of AM2250.

The Standing Committee amendment, Section 46, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The next Standing Committee amendment is Section 47, page 35, of AM2250.

The Standing Committee amendment, Section 47, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The next Standing Committee amendment is Section 48, page 36, of AM2250.

The Standing Committee amendment, Section 48, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The next Standing Committee amendment is Section 49, page 36, of AM2250.

The Standing Committee amendment, Section 49, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The next Standing Committee amendment is Section 50, page 36, of AM2250.

The Standing Committee amendment, Section 50, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Miller asked unanimous consent to print the following amendment to LB 664 in the Journal. No objections. So ordered.

AM2579

(Amendments to Final Reading copy)

1. On page 1, line 2, after the second semicolon insert "to provide an operative date; and"; and strike beginning with the semicolon in line 3 through "emergency" in line 4.

2. On page 2, strike beginning with "Agricultural" in line 5 through "ranching" in line 19 and insert "Administrator shall mean the Department of Agriculture or any other appropriate state agency designated by the Governor to serve as the farm mediation program coordinator and be responsible for implementing the Farm Mediation Act"; and in line 20 strike "(3)" and insert "(2)".

3. On page 3, line 2, strike "(4)" and insert "(3)"; strike lines 7 through 10; in line 11 strike "(6)" and insert "(4)"; and in line 15 strike "(7)" and insert "(5)".

4. Strike original section 3 and insert the following new section:

"Sec. 3. The administrator shall contract with one or more persons to provide mediation services for borrowers and creditors. The contract or contracts may be terminated by the administrator upon written notice. Any person awarded a contract for the mediation program shall be designated as the farm mediation

service for the service area of the state set forth in such contract for the duration of the contract.

A person may be eligible to contract to provide farm mediation services under this section if it:

(1) Provides for training of mediators to a level of expertise specified by the administrator;

(2) Ensures all mediation sessions are confidential; and

(3) Meets any other standards desired by the administrator.

The farm mediation service shall provide all lenders and borrowers of agricultural loans adequate notification of the mediation program.".

5. On page 4, strike beginning with "Such" in line 1 through "Governor" in line 5 and insert "The administrator"; in line 5 strike "or agree"; in line 6 strike "organizations" and insert "persons"; in line 9 strike "organizations" and insert "persons"; in line 10 strike "An agency or organization" and insert "A person"; in line 11 strike "farm mediation"; in line 15 strike "all areas" and insert "the area"; in line 16 after "state" insert "where the service is provided"; in line 17 after "families" insert "and experienced in working with farm and ranch families"; strike beginning with "Provides" in line 18 through "(c)" in line 22; and in line 23 after "develop" insert "financial".

6. On page 5, line 1, strike "(d)" and insert "(c)"; in line 2 strike "to (c)" and insert "and (b)"; in line 7 after "consultation" insert "pursuant to subsection (2) of this section"; in line 9 strike "After" and insert "Within seven days of"; in line 11 strike "may be" and insert "is"; strike beginning with "Department" in line 17 through "Governor" in line 19 and insert "administrator"; in line 20 after "fee" insert "or fees, not to exceed the actual costs,"; in line 21 after "fee" insert "or fees"; and after line 24 insert "Such fee or fees shall be collected by the farm mediation service. The farm mediation service may require payment of such fee or fees or a portion of such payment prior to the mediation meeting. The fee or fees shall be retained by the farm mediation service to offset its costs.".

7. On page 6, strike beginning with

"Department" in line 1 through "Governor" in line 3 and insert "administrator"; strike beginning with "who" in line 13 through "property" in line 14; and strike beginning with "who" in line 14 through line 15.

8. On page 7, strike beginning with "Unless" in line 9 through "within" in line 10 and insert "Within"; and strike beginning with "Any" in line 18 through line 22.

9. On page 8, line 4, strike "waiver, extension, or"; in line 5 strike "any creditor" and insert "all creditors"; in line 8 after "creditors" insert "of such release"; in line 14 after "service" insert "for filing"; in line 18 strike "the borrower waives" and insert "one of the parties declines"; in line 21 strike "waived" and insert "declined"; and in line 23 after "If" insert "one of the parties declines or if".

10. On page 9, line 11, after the semicolon insert "and"; strike lines 12 through 15; and in line 16 strike "(e)" and insert "(d)" and strike ", counsel,".

11. On page 10, line 19, after "borrower" insert "before the operative date of this act".

12. Strike original section 17 and insert the following new section:

"Sec. 16. This act shall become operative on October 1, 1988.".

13. Strike AM2438.

14. Renumber the remaining section accordingly.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1174 in the Journal. No objections. So ordered.

AM2568

(Amendments to Final Reading copy)

1. On page 1, line 3, strike "and" and insert a comma and after the comma insert "and 49-1492,"; in line 4 after "1943" insert ", and section 49-1401, Revised Statutes Supplement, 1987"; and in line 6 after the second semicolon insert "to prohibit and restrict certain acts; to provide a penalty; to provide for disclosure by certain lobbyists as prescribed; to harmonize provisions;".

2. Insert the following new sections:

"Section 1. That section 49-1401, Revised Statutes Supplement, 1987, be amended to read as follows:

49-1401. Sections 49-1401 to 49-14,138 and sections 5 and 6 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act. After July 17, 1986, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07.

Sec. 4. That section 49-1492, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1492. (1) No person shall be employed as a lobbyist for compensation contingent in any manner upon the outcome of an administrative or legislative action.

(2) No person shall instigate the introduction of legislation for the purpose of obtaining employment in opposition thereto.

(3) No person shall attempt to influence the vote of the legislators on any matters pending or to be proposed by the promise of financial support or the financing of opposition to his candidacy at any future election.

(4) No person shall engage in practices which reflect discredit on the practice of lobbying or on the Legislature.

(5) No elected official of a political subdivision may lobby for any principal.

(6) ~~(5)~~ Any person violating ~~the provisions of~~ this section shall be guilty of a Class III misdemeanor.

Sec. 5. A lobbyist for a political subdivision shall disclose in writing to the political subdivision the names of other principals and the existence and likelihood of any conflicts between the positions of such principals and the position of the political subdivision. The lobbyist shall not represent any other principal without the prior approval of a majority of the governing body of the political subdivision.

If, in the judgment of a majority of the governing body of the political subdivision, a legislative position taken by the political subdivision conflicts with the interest of another principal of the

lobbyist, the lobbyist shall disqualify himself or herself from representing the political subdivision or the other principal on such issue. The political subdivision may require reasonable recompense for lobbying fees from the lobbyist when the lobbyist disqualifies himself or herself from representing the political subdivision and the political subdivision shall retain another lobbyist.

Sec. 6. For purposes of section 49-1492 and section 5 of this act, political subdivision shall include the University of Nebraska.".

3. On page 4, line 24, strike "and" and insert a comma; and in line 25 after the first comma insert "and 49-1492," and after the last comma insert "and section 49-1401, Revised Statutes Supplement, 1987,".

4. Renumber remaining sections accordingly.

MOTION - Place LB 1072 on General File

Mr. Wesely moved that LB 1072 be placed on General File pursuant to Rule 3, Section 19(b).

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1041. The next Standing Committee amendment is Section 51, page 36, of AM2250.

The Standing Committee amendment, Section 51, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The next Standing Committee amendment is Section 52, page 37, of AM2250.

The Standing Committee amendment, Section 52, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The next Standing Committee amendment is Section 12, page 12, of AM2250.

The Standing Committee amendment, Section 12, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The next Standing Committee amendment is Section 16, page 15, of AM2250.

Mrs. Labedz and Mr. Baack renewed their pending amendment, AM2350, found in the Journal on page 1178 to the pending Standing Committee amendment, Section 16, page 15, of AM2250.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Labedz-Baack amendment was adopted with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, Section 16, as amended, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The next Standing Committee amendment is Section 17, page 15, of AM2250.

The Standing Committee amendment, Section 17, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The next Standing Committee amendment is Section 18, page 16, of AM2250.

SPEAKER BARRETT PRESIDING

The Standing Committee amendment, Section 18, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The next Standing Committee amendment is Section 19, page 17, of AM2250.

The Standing Committee amendment, Section 19, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The next Standing Committee amendment is Section 20, page 17, of AM2250.

The Standing Committee amendment, Section 20, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The next Standing Committee amendment is Section 25, page 23, of AM2250.

The Standing Committee amendment, Section 25, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The next Standing Committee amendment is Section 26, page 23, of AM2250.

The Standing Committee amendment, Section 26, was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

The next Standing Committee amendment is Section 31, page 25, of AM2250.

The Standing Committee amendment, Section 31, was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Pending.

ATTORNEY GENERAL'S OPINION

Opinion No. 88023

DATE: March 14, 1988

SUBJECT: LB 981; Authority of Cities of the Metropolitan Class Including Omaha to Impose Mandatory

Fees for the Collection and Disposal of Refuse and Garbage

REQUESTED: Senator Paul Hartnett and the Members of the Urban Affairs Committee

WRITTEN BY: Robert M. Spire, Attorney General
Dale A. Comer, Assistant Attorney General

LB 981 is apparently intended to provide specific statutory authority for cities of the metropolitan class, including Omaha, to charge a fee for the collection and disposal of garbage and refuse. Legal research provided to the Urban Affairs Committee indicated that metropolitan cities may already have such authority under current law, and that LB 981 is unnecessary. You therefore requested our opinion as to whether the City of Omaha has authority to impose a mandatory fee for the collection and disposal of refuse and garbage under current law. You also requested our opinion as to whether there is a legal distinction between garbage and refuse in connection with any such authority of the City of Omaha. For the reasons set out below, we have concluded that the city has no clear authority for such a garbage or refuse collection charge. This is true whether the material to be collected is garbage or other forms of refuse.

Neb.Rev.Stat. §14-102(28) (Cum.Supp. 1986) provides that cities of the metropolitan class may establish "plants for the removal and disposal of garbage", and may "make contracts for the removal or disposal of garbage, or for both, except as hereinafter provided." The statute also states:

> Before the city council shall make specifications therefore, bids shall be advertised for as now provided by law, and the contract shall be let to the lowest and best bidder, who shall furnish bond to the city conditioned upon his or her carrying out the terms of the contract, the bond to be approved by the city council.

In addition to this specific authority dealing with garbage disposal, subsection (25) of §14-102 provides for police regulation in general, and states, in part, that cities of the metropolitan class have authority to:

> Make and enforce all police regulations for the good government, general welfare, health, safety, and security of the city and the citizens thereof, in addition to the police powers expressly granted herein; and in the exercise of the police power, they may pass all needful and proper ordinances, ...

Other than these particular statutes dealing with garbage disposal and the general police power, there are no statutes pertinent to cities of

the metropolitan class which detail further authority concerning the disposal of garbage or refuse.

The statutory sections set out above obviously contain no specific authority which would allow cities of the metropolitan class including Omaha to charge property owners fees for the collection and disposal of garbage or refuse. Therefore, if Omaha has such authority under current law, it must based upon case law which would indicate that such authority to charge fees is inherent in the city's police power.

You have referred us to a series of older Nebraska cases which concern the police power of Nebraska municipalities and its application to garbage collection and removal. See, Urbach v. City of Omaha, 101 Neb. 314, 163 N.W. 307 (1917); Kelley v. Broadwell, 3 Neb. Unof. 617, 92 N.W. 643 (1902); Iler v. Ross, 64 Neb. 710, 90 N.W. 869 (1902); Coombs v. MacDonald, 43 Neb. 632, 62 N.W. 41 (1895); Smiley v. MacDonald, 42 Neb. 5, 60 N.W. 355 (1894). These various cases stand for the propositions that cities can, under their general police power, provide for the removal and disposal of garbage, can grant exclusive contracts for the removal and disposal of garbage, and apparently, can set prices for the contractors who engage in such removal and disposal operations. These cases also appear to indicate that rules pertaining to the general police power of cities regarding garbage disposal apply to garbage defined as putrescible material as opposed to general refuse, and there is some distinction as to the latter material which we assume is the basis for the second question which you posed to us. Nowhere do these various older cases squarely face the issue of whether a city has authority under its general police power to assess charges and fees for the removal and disposal of garbage.

Our research indicates that cases from other jurisdictions and other authorities indicate that cities have such authority to charge fees under their general police power. For example, in McQuillan, Municipal Corporations, it is stated at §24.250, "A special charge, tax, or assessment may be made by a municipal corporation, reasonably commensurate to the cost of removal of garbage and refuse." See also, Mayor and Aldermen of City of Milledgeville, 221 Ga. 498, 145 S.E.2d 507 (1965); Tayloe v. City of Wahpeton, 62 N.W.2d 31 (N.Dak. 1953); 56 Am.Jur.2d, Municipal Corporations, §461.

Whatever the rule in other jurisdictions, our Supreme Court has not dealt directly with this issue. Moreover, the clear rule in Nebraska appears to be that:

> .... a municipal corporation may exercise only such powers as are expressly granted, those necessarily or fairly implied in or incidental to powers expressly granted, and those essential to the

> declared objects and purposes of a municipality. Statutes granting powers to municipalities are to be strictly construed, and where doubt exists, such doubt must be resolved against the grant.

Briar West Inc. v. City of Lincoln, 206 Neb. 172, 175, 176, 291 N.W.2d 730, 732 (1980). See, Nebraska League of Savings and Loan Associations v. Johnson, 215 Neb. 19, 337 N.W.2d 114 (1983); Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 334 (1976). In one case, our Supreme Court indicated that:

> .... legislative charters wherein cities are empowered to perform certain acts or functions are construed with a greater degree of strictness than ordinary civil statutes, and the rule in Nebraska is that they shall be strictly construed. Their authority to perform municipal acts will not be extended beyond the plain import of the language of the charter.

Metropolitan Utilities District v. City of Omaha, 171 Neb. 609, 614, 107 N.W.2d 397, 402 (1961).

Given the Nebraska case law cited above calling for strict construction of municipal authority, and in light of the absence of Nebraska cases or statutes directly authorizing municipalities to impose a charge or fee for the collection of garbage, we cannot say that current case law or statutes give cities of the metropolitan class including Omaha the authority to charge a fee for the collection and disposal of garbage or refuse. This is true whether the material to be collected is "garbage" as opposed to any other form of refuse. LB 981 would obviously correct that problem, and clearly authorize such action by the City of Omaha.

Sincerely Yours,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

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

5-3-10

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1091 in the Journal. No objections. So ordered.

AM2609
1 1. Strike the original sections and all

amendments thereto and insert the following new sections:

"Section 1. (1) There is hereby created the Railroad and Car Company Personal Property Reimbursement Fund to be administered by the State Treasurer. Any money in the Railroad and Car Company Personal Property Reimbursement Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. There is hereby appropriated four million one hundred thousand dollars for fiscal year 1988-89 from the Cash Reserve Fund for deposit into the Railroad and Car Company Personal Property Reimbursement Fund for distribution by the State Treasurer. The State Treasurer shall distribute, on or before August 31, 1988, to the school districts of Nebraska, as reimbursement for the dollar loss resulting from the injunction granted to the railroads in the discrimination lawsuit for tax year 1987 an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources excluding bonded indebtedness as determined by the Tax Commissioner. The State Treasurer shall distribute on or before August 31, 1988, to the cities in Nebraska, as reimbursement for the dollar loss resulting from the injunction granted to the railroads in the discrimination lawsuit for tax year 1987, an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources as determined by the Tax Commissioner. The State Treasurer shall distribute, on or before August 31, 1988, to the technical community colleges of Nebraska, as reimbursement for the dollar loss resulting from the injunction granted to the railroads in the discrimination lawsuit for tax year 1987, an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources, excluding bonded indebtedness, as determined by the Tax Commissioner. The State Treasurer shall distribute, on or before August 31, 1988, to the natural resources districts in Nebraska, as reimbursement for the dollar loss resulting from the injunction granted to the railroads in the discrimination lawsuit for tax year 1987, an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax

sources, excluding bonded indebtedness, as determined by the Tax Commissioner. The State Treasurer shall distribute on or before August 31, 1988, to the counties of Nebraska, as reimbursement for the dollar loss resulting from the injunction granted to the railroads and the car companies in the discrimination lawsuit for tax year 1987, an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources for 1987. Anticipated car company receipts shall be equal to the amount distributed during calendar year 1987 as determined by the Tax Commissioner.

(2) If the amount appropriated in this section is not sufficient to cover the reimbursement provided for in this section, the amount appropriated shall be prorated by the Tax Commissioner in conformance with this section.

(3) If any of the lawsuits pending as of the effective date of this act challenging the taxation of railroad and car company property are resolved so that such taxation is retained in whole or in part, state aid to any taxing subdivision which has received from the state any funds to reimburse the subdivision for the loss of taxes from such property shall be reduced for the first fiscal year following resolution of the lawsuit. The reduction shall be in an amount equal to that certified by the Tax Commissioner to the State Treasurer as being the amount received by such subdivision as reimbursement for losses of taxes which the resolution of the lawsuit later upheld. The State Treasurer is hereby directed to so reduce from the amount appropriated for state aid for that fiscal year the aid to any such subdivision.

Sec. 2. That section 84-612, Revised Statutes Supplement, 1987, be amended to read as follows:

84-612. (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 subsections (2), (4), ~~and~~ (5), and (6) 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 subsection (2) of this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(4) On September 15, 1985, the State Treasurer shall transfer eight million five hundred thousand dollars from the Cash Reserve Fund to the General Fund to pay Tort Claim Number 4-302. Such transfer shall be reversed after July 1, 1989, but before September 1, 1989.

(5) For the period July 1, 1985, to June 30, 1986, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed after July 1, 1989, but before September 1, 1989.

(6) On the effective date of this act, the State Treasurer shall transfer four million one hundred thousand dollars from the Cash Reserve Fund to the Railroad and Car Company Personal Property Reimbursement Fund.

Sec. 3. That original section 84-612, Revised Statutes Supplement, 1987, is repealed.".

GENERAL FILE

LEGISLATIVE BILL 1041. The next Standing Committee amendment is Section 32, page 25, of AM2250.

The Standing Committee amendment, Section 32, was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The next Standing Committee amendment is Section 33, page 26, of AM2250.

The Standing Committee amendment, Section 33, was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

The next Standing Committee amendment is Section 35, page 26, of AM2250.

Mr. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, Section 35, was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

The next Standing Committee amendment is Section 36, page 27, of AM2250.

The Standing Committee amendment, Section 36, was adopted with 25 ayes, 4 nays, 18 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.

The next Standing Committee amendment is Section 37, page 27, of AM2250.

The Standing Committee amendment, Section 37, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The next Standing Committee amendment is Section 39, page 28, of AM2250.

The Standing Committee amendment, Section 39, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The next Standing Committee amendment is Section 40, page 29, of AM2250.

Mrs. Morehead, Messrs. R. Johnson, Bernard-Stevens, and Ashford offered the following amendment to the pending Standing Committee amendment, Section 40, page 29, of AM2250:
AM2358

(Amendments to AM2250)

1. On page 29, line 6, before "Program" insert "(1)"; and after the underscored period in line 21 insert:

"(2) Program No. 327 - Nebraska Arts Council

	FY1987-88	FY1988-89
GENERAL FUND	-0-	200,000
PROGRAM TOTAL	-0-	200,000

There is included in the appropriation to this program for FY1988-89 $200,000 General Funds as aid to provide for year-long program grants, which shall only be used for such purpose.".

Messrs. Lynch and Korshoj asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall 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. Johanns asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Morehead moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mrs. Morehead requested a roll call vote on the amendment.

Voting in the affirmative, 26:

Abboud	Chizek	Hartnett	McFarland	Schmit
Ashford	Conway	Johnson, R.	Miller	Smith
Baack	Coordsen	Johnson, V.	Morehead	Weihing
Bernard-Stevens	Dierks	Labedz	Nelson	Wesely
Chambers	Goodrich	Marsh	Remmers	Withem
	Hall			

Voting in the negative, 12:

Barrett	Hefner	Langford	Peterson	Warner
Beyer	Johnson, L.	Moore	Scofield	Wehrbein
Hannibal	Lamb			

Present and not voting, 2:

Pirsch	Rogers

Absent and not voting, 3:

Haberman Landis Schellpeper

Excused and not voting, 6:

Campbell Higgins Johanns Korshoj Lynch Elmer

The Morehead-R. Johnson-Bernard-Stevens-Ashford amendment was adopted with 26 ayes, 12 nays, 2 present and not voting, 3 absent and not voting, and 6 excused and not voting.

The Standing Committee amendment, Section 40, as amended, was adopted with 26 ayes, 7 nays, 10 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lamb and Bernard-Stevens asked unanimous consent to print the following amendment to LB 833 in the Journal. No objections. So ordered.

AM2600
(Amendments to Standing Committee amendments, AM2197)

1. Insert the following new section:

"Sec. 2. That section 60-110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-110. The provisions of article 9, Uniform Commercial Code, shall never be construed to apply to or to permit or require the deposit, filing, or other record whatsoever of a security agreement, conveyance intended to operate as a mortgage, trust receipt, conditional sales contract, or similar instrument, or any copy of the same covering a motor vehicle. Any mortgage, conveyance intended to operate as a security agreement as provided by article 9, Uniform Commercial Code, trust receipt, conditional sales contract, or other similar instrument covering a motor vehicle, if such instrument is accompanied by delivery of such

manufacturer's or importer's certificate and followed by actual and continued possession of same by the holder of ~~said~~ such instrument or, in the case of a certificate of title, if a notation of same has been made by the county clerk on the face thereof, shall be valid as against the creditors of the debtor, whether armed with process or not, and subsequent purchasers, secured parties, and other lienholders or claimants but otherwise shall not be valid against them, except that during any period in which a motor vehicle is inventory, as defined in subdivision (4) of section 9-109, Uniform Commercial Code, held for sale by a person or corporation who is licensed as provided in Chapter 60, article 14, and is in the business of selling motor vehicles, the filing provisions of article 9, Uniform Commercial Code, as applied to inventory, shall apply to a security interest in such motor vehicle created by such person or corporation as debtor without the notation of lien on the instrument of title. A buyer at retail from a licensed dealer of any vehicle which is subject to Chapter 60, article 14, in the ordinary course of business shall take such vehicle free of any security interest. Subject to the foregoing, all liens, security agreements, and encumbrances, noted upon a certificate of title, shall take priority according to the order of time in which the same are noted thereon by the county clerk. Exposure for sale of any motor vehicle by the owner thereof with the knowledge or with the knowledge and consent of the holder of any lien, security agreement, or encumbrance ~~thereon~~ on such motor vehicle, shall not render the same void or ineffective as against the creditors of such owner or holder of subsequent liens, security agreements, or encumbrances upon such motor vehicle. The holder of a security agreement, trust receipt, conditional sales contract, or similar instrument, upon presentation of such instrument to the clerk of the county where such certificate of title was issued together with the certificate of title and the fee prescribed by sections 60-102 to 60-117, may have a notation of such lien made on the face of such certificate of title. The county clerk shall enter ~~said~~ such notation and the date thereof over the signature of such officer or deputy and the seal of office, and shall also note such lien and the date thereof on the

duplicate of same on file and on that day shall notify the Department of Motor Vehicles, which shall do likewise. The county clerk shall also indicate by appropriate notation and on such instrument itself the fact that such lien has been noted on the certificate of title. The county clerk, upon receipt of a lien instrument duly signed by the owner in the manner prescribed by law governing such lien instruments together with the fee prescribed for notation of lien, shall notify the first lienholder to deliver to the county clerk, within fifteen days from the date of notice, the certificate of title to permit notation of such junior lien and, after such notation of lien, the county clerk shall deliver the certificate of title to the first lienholder. The holder of a certificate of title~~,~~ who refuses to deliver a certificate of title to the county clerk~~,~~ for the purpose of showing a junior lien on such certificate of title, within fifteen days from the date when notified to do so by the county clerk, shall be liable for damages to such junior lienholder for the amount of damages such junior lienholder suffered by reason of the holder of the certificate of title refusing to permit the showing of such lien on the ~~said~~ certificate of title. When such lien is discharged, the holder ~~thereof~~ shall~~,~~ ~~execute a notarized release~~ within fifteen days after payment is received~~,~~ ~~. Such release shall contain the certificate of title number, the amount of the lien and the date of the notation thereof. The holder shall also~~ note a cancellation of ~~same~~ the lien on the face of the certificate of title over his, her~~,~~ or its signature and deliver the ~~release and~~ certificate of title to the county clerk, who shall note the cancellation of ~~said~~ such lien on the face of the certificate of title and on the records of such office and on the same day notify the department which shall do likewise. The county clerk shall then return the certificate of title to the owner or as otherwise directed by the owner. ~~Said~~ Such cancellation of lien shall be noted on the certificate of title by the county clerk without charge.".

2. On page 3, line 5, after "39-671" insert ", 60-110,".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 18 seniors and teacher from Clarkson High School; 25 eighth grade students and teacher from Arapahoe; 25 fourth grade students and teacher from St. Joseph School, York; 28 members of the American Association of University Women from across the state (including Senator Abboud's mother, Bonnie); 25 members of Women Involved in Farm Economics (WIFE); and 43 eighth grade students and teacher from Mary Our Queen School, Omaha.

RECESS

At 12:16 p.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 Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Campbell and Mr. Elmer who were excused; and Messrs. Ashford, Chambers, Haberman, R. Johnson, Schmit, Withem, Mesdames Higgins, Johanns, Langford, Pirsch, and Ms. Scofield who were excused until they arrive.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 962.

A BILL FOR AN ACT relating to the Nebraska State Capitol Environs Protection and Improvement Act; to amend section 90-301, Reissue Revised Statutes of Nebraska, 1943; to provide for the appointment of members to a board or commission as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud	Dierks	Johnson, V.	Miller	Schellpeper
Baack	Goodrich	Korshoj	Moore	Smith
Barrett	Hall	Lamb	Morehead	Warner
Beyer	Hannibal	Landis	Nelson	Wehrbein
Chizek	Hartnett	Lynch	Peterson	Weihing
Conway	Hefner	Marsh	Remmers	Wesely
Coordsen	Johnson, L.	McFarland		

Voting in the negative, 0.

Present and not voting, 3:

Bernard-Stevens	Labedz	Rogers

Excused and not voting, 13:

Ashford	Elmer	Johanns	Pirsch	Scofield
Campbell	Haberman	Johnson, R.	Schmit	Withem
Chambers	Higgins	Langford		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 939.

A BILL FOR AN ACT relating to the Nebraska Educational Telecommunications Commission; to amend sections 79-2102 and 79-2106, Reissue Revised Statutes of Nebraska, 1943; to change membership; to provide for staggered terms; to repeal provisions governing use of a documentary film; to harmonize provisions; and to repeal the original sections, and also section 79-2115, 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	Chizek	Coordsen	Goodrich
Baack	Beyer	Conway	Dierks	Haberman

Hall	Korshoj	Marsh	Nelson	Scofield
Hannibal	Labedz	McFarland	Peterson	Smith
Hartnett	Lamb	Miller	Remmers	Warner
Hefner	Landis	Moore	Rogers	Wehrbein
Johnson, L.	Langford	Morehead	Schellpeper	Weihing
Johnson, V.	Lynch			

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Wesely

Excused and not voting, 10:

Ashford	Chambers	Higgins	Johnson, R.	Schmit
Campbell	Elmer	Johanns	Pirsch	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 961.

A BILL FOR AN ACT relating to the Nebraska Disaster and Civil Defense Act of 1973; to amend section 81-829.65, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the movement of equipment and personnel and the acquisition of insurance; and to repeal the original section.

Whereupon the 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	Coordsen	Johnson, L.	Marsh	Rogers
Baack	Dierks	Johnson, V.	McFarland	Schellpeper
Barrett	Goodrich	Korshoj	Miller	Smith
Bernard-Stevens	Haberman	Labedz	Moore	Warner
	Hall	Lamb	Morehead	Wehrbein
Beyer	Hannibal	Landis	Nelson	Weihing
Chizek	Hartnett	Langford	Peterson	Withem
Conway	Hefner	Lynch	Remmers	

Voting in the negative, 0.

Present and not voting, 2:

Scofield Wesely

Excused and not voting, 9:

Ashford	Chambers	Higgins	Johnson, R.	Schmit
Campbell	Elmer	Johanns	Pirsch	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 996.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-163 and 8-165, Reissue Revised Statutes of Nebraska, 1943, section 8-164, Revised Statutes Supplement, 1986, and sections 8-126 and 8-148, Revised Statutes Supplement, 1987; to change residency requirements for members of the board of directors; to provide for the purchase of stock as prescribed; to change provisions relating to dividends and withdrawals; to define a term; and to repeal the original sections.

Whereupon the 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	Coordsen	Johnson, V.	McFarland	Schellpeper
Baack	Dierks	Korshoj	Miller	Scofield
Barrett	Goodrich	Labedz	Moore	Smith
Bernard-Stevens	Haberman	Lamb	Morehead	Warner
	Hall	Landis	Nelson	Wehrbein
Beyer	Hannibal	Langford	Peterson	Weihing
Chambers	Hartnett	Lynch	Remmers	Wesely
Chizek	Hefner	Marsh	Rogers	Withem
Conway	Johnson, L.			

Voting in the negative, 0.

Excused and not voting, 8:

Ashford	Elmer	Johanns	Pirsch	Schmit
Campbell	Higgins	Johnson, R.		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1010.

A BILL FOR AN ACT relating to public assistance; to amend section 68-129, Reissue Revised Statutes of Nebraska, 1943; to provide for the exclusion of certain funds from the determination of need; and to repeal the original section.

Whereupon the 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	Coordsen	Johnson, V.	Miller	Schmit
Baack	Dierks	Korshoj	Moore	Scofield
Barrett	Goodrich	Labedz	Morehead	Smith
Bernard-Stevens	Haberman	Lamb	Nelson	Warner
	Hall	Landis	Peterson	Wehrbein
Beyer	Hannibal	Langford	Remmers	Weihing
Chambers	Hartnett	Lynch	Rogers	Wesely
Chizek	Hefner	Marsh	Schellpeper	Withem
Conway	Johnson, L.	McFarland		

Voting in the negative, 0.

Excused and not voting, 7:

Ashford	Elmer	Johanns	Johnson, R.	Pirsch
Campbell	Higgins			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1045.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3207, 2-3208, and 2-3210 to 2-3212, Reissue Revised Statutes of Nebraska, 1943, sections 2-3202 and 2-3215, Revised Statutes Supplement, 1986, and section 2-3213, Revised Statutes Supplement, 1987; to change provisions relating to changing district boundaries; to provide for transition into new districts; to change provisions relating to boards of directors; to provide for the election of the board of directors of merged districts; to eliminate hearing provisions; to harmonize provisions; and to repeal the original sections, and also section 2-3209, 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:

Abboud	Conway	Johnson, V.	Miller	Schmit
Ashford	Dierks	Korshoj	Moore	Scofield
Baack	Goodrich	Labedz	Morehead	Smith
Barrett	Haberman	Lamb	Nelson	Warner
Bernard-Stevens	Hall	Landis	Peterson	Wehrbein
	Hannibal	Langford	Remmers	Weihing
Beyer	Hartnett	Lynch	Rogers	Wesely
Chambers	Hefner	Marsh	Schellpeper	Withem
Chizek	Johnson, L.	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

Coordsen

Excused and not voting, 6:

Campbell	Higgins	Johanns	Johnson, R.	Pirsch
Elmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1046.

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1101 and 46-1128, Revised Statutes Supplement, 1986, and section 46-1121, Revised Statutes Supplement, 1987; to provide a special permit as prescribed; to provide a fee; to change a provision relating to the expiration of certificates; to provide for the revocation of an applicator's certificate; 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	Conway	Johnson, L.	Miller	Schmit
Ashford	Coordsen	Johnson, V.	Moore	Scofield
Baack	Dierks	Labedz	Morehead	Smith
Barrett	Goodrich	Lamb	Nelson	Warner
Bernard-Stevens	Haberman	Landis	Peterson	Wehrbein
	Hall	Langford	Remmers	Weihing
Beyer	Hannibal	Lynch	Rogers	Wesely
Chambers	Hartnett	Marsh	Schellpeper	Withem
Chizek	Hefner	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

Korshoj

Excused and not voting, 6:

Campbell	Higgins	Johanns	Johnson, R.	Pirsch
Elmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1051.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-549, Reissue Revised Statutes of Nebraska, 1943; to increase a financial responsibility deposit requirement; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Conway	Johnson, L.	Miller	Schmit
Ashford	Coordsen	Johnson, V.	Moore	Scofield
Baack	Dierks	Korshoj	Morehead	Smith
Barrett	Goodrich	Labedz	Nelson	Warner
Bernard-Stevens	Haberman	Lamb	Peterson	Wehrbein
	Hall	Landis	Remmers	Weihing
Beyer	Hannibal	Langford	Rogers	Wesely
Chambers	Hartnett	Marsh	Schellpeper	Withem
Chizek	Hefner	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 6:

Campbell	Higgins	Johanns	Johnson, R.	Pirsch
Elmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1064.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2756 and 77-2790, Reissue Revised Statutes of Nebraska, 1943, and section 77-2753, Revised Statutes Supplement, 1987; to change provisions relating to the withholding of wages; to change a filing date; 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, 42:

Abboud	Coordsen	Johnson, V.	Miller	Schmit
Ashford	Dierks	Korshoj	Moore	Scofield
Baack	Goodrich	Labedz	Morehead	Smith
Barrett	Haberman	Lamb	Nelson	Warner
Bernard-Stevens	Hall	Landis	Peterson	Wehrbein
	Hannibal	Langford	Remmers	Weihing
Beyer	Hartnett	Lynch	Rogers	Wesely
Chizek	Hefner	Marsh	Schellpeper	Withem
Conway	Johnson, L.	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Campbell	Higgins	Johanns	Johnson, R.	Pirsch
Elmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1127.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311, Reissue Revised Statutes of Nebraska, 1943; to increase 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, 43:

Abboud	Chambers	Hall	Labedz	Miller
Ashford	Chizek	Hannibal	Lamb	Moore
Baack	Conway	Hartnett	Landis	Morehead
Barrett	Coordsen	Hefner	Langford	Nelson
Bernard-Stevens	Dierks	Johnson, L.	Lynch	Peterson
	Goodrich	Johnson, V.	Marsh	Remmers
Beyer	Haberman	Korshoj	McFarland	Rogers

Schellpeper	Scofield	Warner	Weihing	Withem
Schmit	Smith	Wehrbein	Wesely	

Voting in the negative, 0.

Excused and not voting, 6:

Campbell	Higgins	Johanns	Johnson, R.	Pirsch
Elmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 165.

A BILL FOR AN ACT relating to infants; to authorize appointment of a surrogate parent as prescribed; to provide powers and duties; and to limit liability of surrogate parents.

Whereupon the 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	Conway	Johnson, L.	McFarland	Schmit
Ashford	Coordsen	Johnson, V.	Miller	Scofield
Baack	Dierks	Korshoj	Moore	Smith
Barrett	Goodrich	Labedz	Morehead	Warner
Bernard-Stevens	Haberman	Lamb	Nelson	Wehrbein
	Hall	Landis	Peterson	Weihing
Beyer	Hannibal	Langford	Remmers	Wesely
Chambers	Hartnett	Lynch	Rogers	Withem
Chizek	Hefner	Marsh	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 6:

Campbell	Higgins	Johanns	Johnson, R.	Pirsch
Elmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 817.

A BILL FOR AN ACT relating to water management; to amend section 2-15,119, Revised Statutes Supplement, 1987; to change a provision relating to a report submitted by the Water Management Board as prescribed; to provide an additional duty for such board; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Conway	Johnson, L.	McFarland	Schmit
Ashford	Coordsen	Johnson, V.	Miller	Scofield
Baack	Dierks	Korshoj	Moore	Smith
Barrett	Goodrich	Labedz	Morehead	Warner
Bernard-Stevens	Haberman	Lamb	Nelson	Wehrbein
	Hall	Landis	Peterson	Weihing
Beyer	Hannibal	Langford	Remmers	Wesely
Chambers	Hartnett	Lynch	Rogers	Withem
Chizek	Hefner	Marsh	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 6:

Campbell	Higgins	Johanns	Johnson, R.	Pirsch
Elmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 819.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1734.01 and 77-1776, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the time of payment and filing for certain tax refunds; and to repeal the original sections.

Whereupon the 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	Conway	Johnson, L.	McFarland	Schmit
Ashford	Coordsen	Johnson, V.	Miller	Scofield
Baack	Dierks	Korshoj	Moore	Smith
Barrett	Goodrich	Labedz	Morehead	Warner
Bernard-Stevens	Haberman	Lamb	Nelson	Wehrbein
	Hall	Landis	Peterson	Weihing
Beyer	Hannibal	Langford	Rogers	Wesely
Chambers	Hartnett	Lynch	Schellpeper	Withem
Chizek	Hefner	Marsh		

Voting in the negative, 0.

Present and not voting, 1:

Remmers

Excused and not voting, 6:

Campbell	Higgins	Johanns	Johnson, R.	Pirsch
Elmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 826 to Select File

Mr. Hefner moved to return LB 826 to Select File for the following specific amendment:
AM2599

(Amendments to Final Reading copy)

1. On page 3, line 2, strike "thirty" and insert "sixty".

The Hefner motion to return prevailed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 826. The Hefner specific amendment, AM2599, found in this day's Journal was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 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: 1051, 1046, 1045, 1010, 996, 961, 939, 962, 819, 817, 165, 1127, and 1064.

PRESIDENT NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1207. Title read. Considered.

Standing Committee amendments, AM2108, printed separate from the Journal and referred to on page 940 for the Thirty-First Day were considered.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis offered the following amendment to the pending Standing Committee amendments:
AM2580

(Amendments to Standing Committee amendments, AM2108)

1. On page 18, strike beginning with "In" in line 13 through line 18.

The Landis amendment was adopted with 22 ayes, 0 nays, 21 present and not voting, and 6 excused and not voting.

Mr. R. Johnson offered the following amendment to the pending Standing Committee amendments:
AM2605

(Amendments to AM2108)

1. Insert the following new section:

"Section 1. That section 77-508.01, Revised Statutes Supplement, 1987, be amended to read as follows:

77-508.01. (1) The State Board of

Equalization and Assessment shall, pursuant to section 77-508, raise or lower the valuation of any class or subclass of property in a county when it is necessary to achieve intercounty equalization. ~~In~~ Except as provided in subsection (2) of this section, in determining the necessity for such intercounty equalization and for the purposes of advising the board, the Tax Commissioner shall employ the valuation factors in section 77-112, when applicable, as well as a sales assessment ratio study. In those counties where the number of valid or bona fide sales of real estate is not considered sufficient to furnish conclusive evidence as to the ratio of assessed values to sales values, the Tax Commissioner may conduct and use an appraisal to determine sales assessment ratio. In addition to the authority to conduct and use an appraisal in any ratio determination, the Tax Commissioner may employ transfers of comparable real estate in surrounding counties as indicators of value in the sales assessment ratio. When an appraisal does not reflect current values to use in such ratio computation, the Tax Commissioner shall have the necessary appraisals conducted by qualified appraisers, and such appraisals shall be used in the ratio computation. The Tax Commissioner may use any other relevant matter in considering intercounty equalization.

(2) To achieve intercounty equalization of agricultural land and horticultural land as defined in section 77-1359, the Tax Commissioner and the board shall use the agricultural land valuation manual developed and implemented pursuant to sections 77-1358 to 77-1368.".

2. On page 19, line 5, after "sections" insert "77-508.01,".

3. Renumber remaining sections accordingly.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The R. Johnson amendment was adopted with 14 ayes, 3 nays, 26 present and not voting, and 6 excused and 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.

Mr. Landis withdrew his pending amendment, AM1999, found in the Journal on page 813.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. McFarland 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.

Mr. Landis moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Barrett	Johnson, R.	Langford	Nelson	Schmit
Coordsen	Korshoj	Marsh	Peterson	Smith
Dierks	Labedz	Miller	Remmers	Warner
Hefner	Lamb	Moore	Rogers	Wehrbein
Johanns	Landis	Morehead	Schellpeper	Weihing
Johnson, L.				

Voting in the negative, 8:

Baack	Haberman	Johnson, V.	Scofield	Wesely
Conway	Hall	Lynch		

Present and not voting, 9:

Ashford	Chambers	Goodrich	Hartnett	Withem
Bernard-Stevens	Chizek	Hannibal	McFarland	

Excused and not voting, 6:

Abboud Campbell Elmer Higgins Pirsch
Beyer

Advanced to E & R for Review with 26 ayes, 8 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1207A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 16, 1988, at 3:14 p.m., were the following bills: 1051, 1046, 1045, 1010, 996, 961, 939, 962, 819, 817, 165, 1127, and 1064.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 1178 in the Journal. No objections. So ordered.

AM2615
(Amendments to Standing Committee amendments, AM2262)

1. On page 3, line 1, strike "or".
2. On page 4, line 17, strike "workers" and insert "workers'".
3. On page 5, strike line 7 and insert "'section'; and in line 21 after the last comma insert 'and also section 25-21,185, Reissue Revised Statutes of Nebraska,'.".

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 1092. Placed on General File as amended.
Standing Committee amendment to LB 1092:

AM2536

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 81-1578, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1578. Sections 81-1578 to 81-15,116 and sections 4 and 6 to 12 of this act shall be known and may be cited as the Low-Level Radioactive Waste Disposal Act.

Sec. 2. That section 81-1579, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1579. (1) The Legislature hereby declares that it is the policy of the State of Nebraska, in furtherance of its responsibility to cooperate and coordinate with the Central Interstate Low-Level Radioactive Waste Compact Commission and to protect the health, safety, and welfare of its citizens and the environment:

(a) To provide for the availability of capacity either within or outside the state for the commercial disposal of low-level radioactive waste generated within the state at commercial low-level radioactive waste disposal facilities as designated by the Central Interstate Low-Level Radioactive Waste Compact Commission, except for waste generated as a result of defense or federal research and development activities;

(b) To recognize that low-level radioactive waste can be most safely and efficiently managed on a regional basis; and

(c) To institute and maintain a regulatory program for commercial disposal of low-level radioactive waste at such facilities.

(2) It is also the policy of the State of Nebraska that the cost of disposal of low-level radioactive waste be borne by the generators of such waste. In furtherance of such policy, the state shall not be liable for any financial subsidy of the construction and maintenance of a low-level radioactive waste disposal facility without prior legislative approval.

(3) The Legislature hereby finds that it is the policy of the state that a facility for the disposal of low-level radioactive waste shall be established at a location that best protects the health and safety of its citizens and the environment. In selecting such location, the developer shall emphasize geologic, topographic, demographic, hydrologic, and other technical factors that contribute to such protection and shall construct, operate, and maintain such facility in a manner consistent with state and federal requirements.

It is the intent of the Legislature that potential host communities be actively and voluntarily involved in the siting process. To the extent possible, consistent with the highest level of protection for the health and safety of the citizens of the state and protection of the environment, the developer shall make every effort to locate the facility where community support is evident.

Sec. 3. That section 81-1581, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1581. For purposes of the Low-Level Radioactive Waste Disposal Act, unless the context otherwise requires, the definitions found in sections 81-1582 to 81-1597 and section 4 of this act shall be used.

Sec. 4. Developer shall mean any person or commercial entity seeking to site, license, or operate a facility within this state.

Sec. 5. That section 81-15,104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-15,104. (1) The department shall collect fees or surcharges established by the council for radiation protection services provided pursuant to the Low-Level Radioactive Waste Disposal Act and the Central Interstate Low-Level Radioactive Waste Compact. Services for which fees or surcharges may be established include (a) issuance, amendment, and renewal of licenses for facilities, (b) inspection of licensees, (c) environmental custodial care activities to assess the radiological impact of activities conducted by licensees, (d) certification of personnel to operate the facility, (e) such other activities of department

personnel which are reasonably necessary to assure that the licensed facility is being operated in accordance with the Low-Level Radioactive Waste Disposal Act and which reasonably should be borne by the licensee, ~~and~~ (f) the budget of the Central Interstate Low-Level Radioactive Waste Compact Commission pursuant to Article IV, section (h)(2), of the compact, and (g) payment of all reasonable and necessary costs of the local monitoring committee as prescribed in subsection (3) of this section.

(2) In determining the amount of such fees, the council shall set the fees in an amount sufficient to reimburse the state for its direct and indirect costs of the services specified in subsection (1) of this section. The council shall take into account any special arrangements between the state and a licensee, another state, or a federal agency from which the cost of the service is partially or fully recovered.

(3) In determining allowable costs of the local monitoring committee under subdivision (1)(g) of this section, the department shall collect fees or surcharges to pay reasonable and necessary costs required of the local monitoring committee, not to exceed twenty thousand dollars per year, to carry out its duties pursuant to section 81-15,101.01. Such costs may include securing technical professional services reasonably necessary for the local monitoring committee to assure the protection of the public health and safety and the protection of the air, land, and water resources of the area. The local monitoring committee shall not hire personnel or purchase, lease, or otherwise acquire any personal or real property but may contract for necessary services.

(4) When a licensee fails to pay the applicable fee or surcharge, the department may suspend or revoke the license or may issue an appropriate order.

~~(4)~~ (5) Any fees or surcharges collected pursuant to this section shall be deposited in the department's Low-Level Radioactive Waste Cash Fund, which is hereby created. 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. 6. It is the intent of the Legislature

that the Central Interstate Low-Level Radioactive Waste Compact Commission shall establish an office in the State of Nebraska prior to the commencement of construction of the facility.

Sec. 7. No low-level radioactive waste produced as a result of decommissioning a nuclear reactor shall be stored or disposed of at the facility until the department has determined that such facility is designed to safely store or dispose of such waste.

Sec. 8. Class C low-level radioactive waste as defined by 10 C.F.R. 61.55 in effect on January 26, 1983, shall be stored or disposed of separately from other types of low-level radioactive waste in containers which can be easily monitored and retrieved and shall be handled, stored, and disposed of in a manner consistent with the zero-release objective described in section 81-1580.

Sec. 9. Waste which is defined by the Nuclear Regulatory Commission or the federal Environmental Protection Agency as mixed waste shall be solidified, neutralized, and stabilized to the maximum degree practicable prior to shipment to the facility. Mixed waste which has not been treated to the degree required by this section shall not be disposed of at the facility.

Sec. 10. (1) Any owner of real property that is contiguous to the original boundary of the facility on the date a license for such facility is granted who believes that his or her property has declined in value as a result of construction of the facility may apply for compensation as provided in this section. Any application for compensation shall be filed within five years of the date the facility first begins accepting low-level radioactive waste. Upon application by a real property owner, the county board of the county in which the facility is located shall hold a hearing to determine whether a loss of real property value has occurred. In reaching a decision, the county board shall consider the value of such property on the date a license is granted to the developer, using appraisals, valuations made by the county assessor of the county, data developed by the Department of Revenue, and any other relevant data, including appraisals which the county board may order. If the real property owner

establishes by a preponderance of the evidence that his or her property has suffered loss which has not previously been compensated due to the construction of the facility, the developer shall provide compensation to the real property owner for the amount of the loss. Compensation shall be provided by the developer from fees assessed upon generators of low-level radioactive waste at the time such waste is delivered to the facility. Any real property owner aggrieved by a final decision of the county board shall be entitled to an appeal in the same manner as appeals are taken pursuant to section 23-135.

(2) As used in this section, real property owner shall mean the owner of record in the county register of deeds on the date a license is granted to the developer as provided in section 81-15,101.

Sec. 11. Any person engaged in the disposal of low-level radioactive waste shall be subject to liability for acts or omissions which result in property damage, bodily injury, or death resulting from such disposal.

Sec. 12. The department shall not accept any applications for licensure as provided in section 81-15,101 prior to October 1, 1989.

Sec. 13. That original sections 81-1578, 81-1579, 81-1581, and 81-15,104, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 14. 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

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: 838A, 1105A, 1165, and LR 248CA.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LR 248CA

The following changes, required to be reported for publication in the Journal, have been made:
ER0283

1. In the Chambers-Hall amendment, AM2355, adopted March 14, 1988, on page 1, line 3, "first period" has been struck and "quotation marks" inserted; in line 13 the second period has been struck; the matter beginning with "in" in line 13 through "and" in line 14 has been struck and "after line 17 insert

'A constitutional amendment" inserted; and in line 18 ".

For

Against'." has been inserted after "years".

2. On page 1, line 1, "an amendment" has been struck and "amendments" inserted; in line 10 "amendment" has been struck and "amendments" inserted; and in line 11 "is" has been struck and "are" inserted.

3. On page 4, lines 6, 10, and 18, "amendment" has been struck and "amendments" inserted; in line 11 "form" has been struck and "forms" inserted; in line 18 "each of" has been inserted after "That"; and in line 22 "it" has been struck and "them" inserted and "a" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 334. Introduced by Schmit, 23rd District.

WHEREAS, the Wahoo High School Basketball team completed the 1987-1988 season with a 23-1 record; and

WHEREAS, on March 12, 1988, the Wahoo Warriors won the Class B Boys Basketball Championship; and

WHEREAS, the Coach Mick Anderson and the Wahoo Basketball team demonstrated exceptional athletic ability, teamwork, and competitive spirit; and

WHEREAS, the coaches and team members deserve special recognition for their accomplishment throughout the entire season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature extends its congratulations to the Wahoo High School basketball team and its coaches for their accomplishments.

2. That a copy of this resolution be sent to the team in appreciation for its efforts.

Laid over.

SELECT FILE

LEGISLATIVE BILL 1100A. Ms. Scofield withdrew her pending amendment, AM2416, found in the Journal on page 1223.

Mr. Wesely renewed his pending amendment, AM2573, found in the Journal on page 1413.

The Wesely 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.

Messrs. Rogers and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

MR. LAMB PRESIDING

LEGISLATIVE BILL 294. E & R amendments, AM5341, found in the Journal on page 1001 for the Thirty-Third Day were adopted.

Mr. McFarland renewed his pending amendment, AM2135, found in the Journal on page 1028.

Mr. Withem, Mesdames Johanns, Marsh, and Langford asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1013A in the Journal. No objections. So ordered.

AM2440

1. On page 2, line 2, strike "$104,301" and insert "$5,000"; and strike beginning with "exceed" in line 11 through "nor" in line 12 and insert "not exceed".

RESOLUTION

LEGISLATIVE RESOLUTION 335. Introduced by Withem, 14th District.

WHEREAS, in 1987 the Legislature passed LB 611 known as the State Employees Collective Bargaining Act; and

WHEREAS, the Legislature adopted the following policy for state employee collective bargaining:

"The Legislature hereby finds and declares that it is in the public policy of this state and the purpose of the State Employees Collective Bargaining Act to promote harmonious, peaceful, and cooperative relationships between state government and its employees to protect the public by assuring effective and orderly operations of government. Such policy is best effectuated by (1) recognizing the right of state employees in bargaining units to organize for the purpose of collective bargaining and (2) requiring state employees represented by exclusive collective-bargaining agents to negotiate with and enter into written agreements with the Chief Negotiator of the Division of Employees Relations or any other negotiator hired by an employer-representative on matters of wages, hours and other terms and conditions of employment"; and

WHEREAS, the State Code Agencies Education Association is the recognized collective-bargaining agent for the employees employed by the Department of Public Institutions, the Department of Correctional Services, and the Department of Social Services; and

WHEREAS, the bargaining unit was established as a horizontal bargaining unit by LB 661; and

WHEREAS, the State of Nebraska, through the office of the Chief Negotiator, has refused to enter into collective bargaining with the State Code Agencies Education Association; and

WHEREAS, the Commission of Industrial Relations entered an order on December 4, 1987, directing that "The state immediately commence negotiations with the State Code Agencies Education Association"; and

WHEREAS, the State of Nebraska has appealed such order to the Nebraska Supreme Court; and

WHEREAS, the Commission of Industrial Relations entered an order on January 14, 1988, directing that the State of Nebraska and the State Code Agencies Education Association pursue impasse resolution procedures set forth in LB 661, including mandatory mediation and Special Master proceedings; and

WHEREAS, the State of Nebraska has appealed from such order; and

WHEREAS, the State of Nebraska, through the office of the Chief Negotiator, sought unsuccessfully to obtain a temporary restraining order from the district court of Lancaster County, Nebraska, wherein the state sought to enjoin each of the judges of the Commission of Industrial Relations, the Special Master, and the State Code Agencies Education Association from engaging in the impasse resolution procedures provided by LB 661; and

WHEREAS, the Special Master held a hearing on January 26, 1988, to establish terms and conditions of employment for the teachers represented by the State Code Agencies Education Association; and

WHEREAS, the State of Nebraska, through the office of the Chief Negotiator, refused to participate in such proceedings; and

WHEREAS, the Special Master entered an award on February 8, 1988, establishing terms and conditions of employment for the teachers employed by the Department of Public Institutions, the Department of Correctional Services, and the Department of Social Services; and

WHEREAS, this body provided in section 15 of LB 661 that the Special Master's ruling shall be binding on the parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature accepts the terms and conditions of employment for the teachers represented by the State Code Agencies Education Association as set forth and established by the award of the Special Master of February 8, 1988.

2. That the Legislature encourages the State of Nebraska, through the offices of the Attorney General and Chief Negotiator, to withdraw and dismiss all appeals now pending before the Nebraska Supreme Court.

3. That the Legislature urges the State of Nebraska, the office of the Attorney General, and the office of the Chief Negotiator, not to seek to interfere with, enjoin, obstruct, or delay in any manner the State Code Agencies Education Association and the bargaining unit

it represents from realizing the terms and conditions of employment for the 1988-89 fiscal year as ordered by the Special Master.

4. That an interim study be conducted to determine what amendments, if any, are necessary to ensure the smooth operation of the State Employees Collective Bargaining Act consistent with the legislative policy incorporated in the act.

Laid over.

MOTION - Adjournment

Mr. McFarland moved to adjourn.

Mr. Lamb requested a machine vote on the motion to adjourn.

The motion to adjourn lost with 3 ayes, 16 nays, 20 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 294. The pending McFarland amendment, AM2135, found in the Journal on page 1028 and considered in this day's Journal was renewed.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

Mr. McFarland withdrew his pending amendment, AM2135.

Pending.

VISITORS

Visitors to the Chamber were 20 members of the Philanthropic Educational Organization (P.E.O.) from Falls City and Lincoln.

ADJOURNMENT

At 5:07 p.m., on a motion by Mr. R. Johnson, the Legislature adjourned until 9:00 a.m., Thursday, March 17, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 17, 1988

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 17, 1988

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Tom Larsen, Zion Lutheran Church, Benedict, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Campbell who was excused; and Messrs. Abboud, Ashford, Chambers, Haberman, Remmers, Schmit, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1455, line 27, strike "AM2065" and insert "AM2605".
The Journal for the Forty-Fifth Day was approved as corrected.

REPORT

Received report from the Department of Personnel regarding the status of negotiations pursuant to Statute 81-1384.

GENERAL FILE

LEGISLATIVE BILL 1041. The next Standing Committee amendment is Section 41, page 29, of AM2250.

The Standing Committee amendment, Section 41, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

The next Standing Committee amendment is Section 44, page 32, of AM2250.

The Standing Committee amendment, Section 44, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

The next Standing Committee amendment is Section 53, page 37, of AM2250.

The Standing Committee amendment, Section 53, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The next Standing Committee amendment is Section 45, page 33, of AM2250.

The Standing Committee amendment, Section 45, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The next Standing Committee amendment is Section 54, page 38, of AM2250.

The Standing Committee amendment, Section 54, was adopted with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

The next Standing Committee amendment is Section 55, page 38, of AM2250.

Mr. Warner moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

The Standing Committee amendment, Section 55, was adopted with 26 ayes, 7 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The next Standing Committee amendments are Sections 56 and 57, page 39, of AM2250.

The Standing Committee amendments, Sections 56 and 57, were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Messrs. Lamb and Dierks renewed the pending Lamb amendment, AM2448, found in the Journal on page 1273 to LB 1041.

Mrs. Higgins and Mr. Miller asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. V. Johnson offered the following amendment to the pending Lamb-Dierks amendment:

Strike the original amendment and insert the following:

"On page 36 in line 14 strike "1,003,900" and insert "1,153,900"; and insert after line 16,

"There is included in the cash fund appropriation shown $150,000 to be transferred by the State Treasurer from the Highway Trust Fund to the Highway Cash Fund for FY1988-89 to provide aid for rural bus transportation services between Omaha and Chadron."

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

The V. Johnson amendment lost with 9 ayes, 17 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

The pending Lamb-Dierks amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Withem asked unanimous consent to have his name added as co-introducer to LR 265CA. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 953 in the Journal. No objections. So ordered.

AM2496

1. Strike original section 1.
2. On page 5, strike beginning with "and" in line 10 through "are" in line 11 and insert "is".
3. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 838 in the Journal. No objections. So ordered.

To add new section 6.

"The museum shall not be open to the public prior to Labor Day of each year."

Renumber remaining sections.

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 1042 in the Journal. No objections. So ordered.

To change $350,000 to $700,000 in line 2 on page 5.

GENERAL FILE

LEGISLATIVE BILL 1041. Mr. Hall offered the following amendment:

AM2495

(Amendments to AM2250)

1. On page 24, line 11, after the first comma insert "after line 8 insert:

'There is hereby appropriated $5,000 from the General Fund for the period July 1, 1988, to June 30, 1989, for Program 360. Such appropriation is for the purpose of conducting a feasibility study on expanding visitation facilities at the Omaha Correctional Center, the Nebraska State Penitentiary, and the Nebraska Center for Women at York. The study shall be completed and the findings submitted to the Clerk of the Legislature by November 1, 1988.';in "; and strike the second comma.

Messrs. Schellpeper and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

The Hall amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. V. Johnson, R. Johnson, and Ashford offered the following amendment:

Amendment to AM2250
Purpose: To provide funding for public radio - $88,261
Amendment:
On page 25, after line 6, insert the following new section.
"There is hereby appropriated $88,261 from the General Fund for the period July 1, 1988 to June 30, 1989 and $88,261 from the General Fund for the period July 1, 1989 to June 30, 1990 to the Nebraska Educational Telecommunications Commission for public radio."

Mr. V. Johnson moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

SPEAKER BARRETT PRESIDING

Mr. Haberman requested a roll call vote on the V. Johnson-R. Johnson-Ashford amendment.

Voting in the affirmative, 25:

Ashford	Conway	Johnson, R.	McFarland	Rogers
Baack	Dierks	Johnson, V.	Miller	Scofield
Bernard-Stevens	Goodrich	Labedz	Morehead	Weihing
Chambers	Hall	Landis	Nelson	Wesely
Chizek	Hartnett	Marsh	Remmers	Withem

Voting in the negative, 16:

Barrett	Hannibal	Korshoj	Moore	Schmit
Coordsen	Johanns	Lamb	Peterson	Warner
Elmer	Johnson, L.	Langford	Pirsch	Wehrbein
Haberman				

Present and not voting, 2:

Higgins Smith

Absent and not voting, 1:

Lynch

Excused and not voting, 5:

Abboud Beyer Campbell Hefner Schellpeper

The V. Johnson-R. Johnson-Ashford amendment was adopted with 25 ayes, 16 nays, 2 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chizek offered the following Beyer amendment:

On page 61, after line 20 insert the following new section:

"Section 3. There is hereby appropriated $110,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Nebraska State Patrol, Program 205, Carrier Enforcement, to provide inspections of school buses.".

Renumber remaining sections accordingly.

Mrs. Higgins and Mr. R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chizek moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Chizek requested a roll call vote on the Beyer amendment.

Voting in the affirmative, 12:

Baack	Chizek	Goodrich	Hall	Labedz
Chambers	Elmer	Haberman	Hartnett	Pirsch

Schmit Weihing

Voting in the negative, 15:

Hannibal	Korshoj	Miller	Remmers	Smith
Johnson, L.	Lamb	Moore	Rogers	Warner
Johnson, V.	Landis	Morehead	Scofield	Wesely

Present and not voting, 12:

Barrett	Conway	Johanns	McFarland	Wehrbein
Bernard-Stevens	Coordsen	Langford	Peterson	Withem
	Dierks	Marsh		

Absent and not voting, 1:

Ashford

Excused and not voting, 9:

Abboud	Campbell	Higgins	Lynch	Schellpeper
Beyer	Hefner	Johnson, R.	Nelson	

The Beyer amendment lost with 12 ayes, 15 nays, 12 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mrs. Johanns, Messrs. Haberman, and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit offered the following amendment:
AM2592

1. On page 55, line 23, after the underscored period insert:

"The General Fund appropriation to this program shall be increased by $25,000 for FY1987-88 and $25,000 for FY1988-89 and the limit on expenditures for state aid shall increase by $25,000 for FY1987-88 and $25,000 for FY1988-89 if sections 85-505 and 85-505.01 are amended during the Ninetieth Legislature, Second Session, 1988, to increase the limit on the number of guard members eligible for tuition assistance each fiscal year from the current one thousand two hundred to

one thousand two hundred and fifty members.".

Messrs. Korshoj and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens 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. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Schmit amendment lost with 14 ayes, 8 nays, 12 present and not voting, and 15 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis, Ashford, and Abboud asked unanimous consent to print the following amendment to LB 352 in the Journal. No objections. So ordered.

AM2564

(Amendments to Final Reading Copy)

1. On page 3, line 3, strike "53-1,116,"; and in line 10 strike "an operative date" and insert "operative dates".

2. Strike original section 92.

3. On page 249, line 23, strike "This" and insert "Sections 17, 18, 19, 24, 25, 186, and 187 of this act shall become operative on their effective date. The other sections of this".

4. Insert the following new section:

"Sec. 187. That original sections 15-1202 to 15-1204 and 24-541.06, Reissue Revised Statutes of Nebraska, 1943, and section 24-541.04, Revised Statutes Supplement, 1986, are repealed.".

5. On page 250, line 2, strike "15-1202 to

15-1204,"; and in line 3 strike "24-541.06,".

6. On page 251, line 4, strike "24-541.04,"; and in line 6 strike "53-1,116,".

7. Renumber remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 838 in the Journal. No objections. So ordered.

Add a new section:

In order to provide for an uninterrupted educational opportunity for Nebraska's students, the Nebraska State Fair shall not meet following the last Sunday in August of each year.

RESOLUTION

LEGISLATIVE RESOLUTION 336. Introduced by Conway, 17th District; Ashford, 6th District; Landis, 46th District.

PURPOSE: The purpose of this interim study is to examine the effectiveness and utilization of resources in our county attorney system. Nebraska has ninety-three counties which range in population from nearly four hundred thousand to fewer than one thousand persons. This presents a great variety of challenges in prosecution and legal representation. Factors of distance and comparable compensation may create difficulties in the hiring and retention of competent attorneys in some counties. County attorneys have many important responsibilities in our system, including prosecution of the state's criminal laws, overseeing child support collection, and acting as the county's legal representative. Such responsibilities mandate competent and effective county attorneys. In order to accomplish its purpose, the study shall include, but not be limited to, the following:

(1) Examination of the current county attorney system, including problems in criminal prosecution, child support enforcement, and legal representation of the county;

(2) Examination of problems in the hiring and retention of county attorneys;

(3) Proposals aimed at increasing the effectiveness of county attorneys;

(4) District and county attorney systems in other jurisdictions; and

(5) Any other matters necessary for a complete analysis of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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 COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 826.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Unbracket LB 181

Mr. Schmit asked unanimous consent to unbracket LB 181. No objections. So ordered.

VISITORS

Visitors to the Chamber were 45 third and sixth grade students and sponsor from Bellwood Public School; 13 students from Arkansas Technical University, Russellville, Arkansas; Connor Bryors from Papillion; 35 seventh grade students and teacher from Sandy Creek School, Fairfield; 16 students, teacher, and sponsors from Blessed Sacrament School, Omaha; 18 eighth grade students and teacher from Christ the King School, Omaha; Mr. Kouakou Saba Ablam, Mr. Enyo Ayite Gaba, Mr. Kobarem Koulalo, and Mr. Ogma Wen'Saa Yagla from Togo, and interpreters, Andrew LeCompte and Michael Rengstorf.

RECESS

At 12:24 p.m., on a motion by Mrs. Labedz, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Campbell, Messrs. R. Johnson, and Withem who were excused; and Messrs. Beyer, Chambers, Hall, Landis, Lynch, Remmers, Schellpeper, Mesdames Johanns, and Marsh who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 160.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 160

The following changes, required to be reported for publication in the Journal, have been made:
ER0284

1. In the Standing Committee amendments, AM1839, adopted March 1, 1988:

a. On page 5, the matter beginning with "For" in line 13 through the period in line 21 has been struck and shown as stricken; and

b. On page 6, lines 1 through 9 have been struck and the old matter shown as stricken.

(Signed) Mary E. Sommermeyer
E & R Attorney

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 901.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Reissue Revised Statutes of Nebraska, 1943,

section 53-160, Revised Statutes Supplement, 1986, and section 53-103, Revised Statutes Supplement, 1987; to redefine a term; to require licensure and labeling of certain confections and candy 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, 36:

Abboud	Elmer	Johnson, L.	Miller	Schmit
Ashford	Goodrich	Johnson, V.	Moore	Scofield
Baack	Haberman	Korshoj	Morehead	Smith
Barrett	Hannibal	Labedz	Nelson	Warner
Chizek	Hartnett	Lamb	Peterson	Wehrbein
Conway	Hefner	Langford	Pirsch	Weihing
Coordsen	Higgins	McFarland	Rogers	Wesely
Dierks				

Voting in the negative, 0.

Present and not voting, 1:

Bernard-
Stevens

Excused and not voting, 12:

Beyer	Hall	Landis	Marsh	Schellpeper
Campbell	Johanns	Lynch	Remmers	Withem
Chambers	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 903.

A BILL FOR AN ACT relating to county roads; to amend sections 39-1817 and 39-1818, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the construction of water impoundment structures; and to repeal the original sections.

Whereupon the 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	Elmer	Johnson, V.	McFarland	Rogers
Ashford	Goodrich	Korshoj	Miller	Schmit
Baack	Haberman	Labedz	Moore	Scofield
Barrett	Hannibal	Lamb	Morehead	Smith
Chizek	Hartnett	Landis	Nelson	Warner
Conway	Hefner	Langford	Peterson	Wehrbein
Coordsen	Higgins	Marsh	Pirsch	Weihing
Dierks	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Wesely

Excused and not voting, 10:

Beyer	Chambers	Johanns	Lynch	Schellpeper
Campbell	Hall	Johnson, R.	Remmers	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 909.

A BILL FOR AN ACT relating to holidays; to amend sections 25-2221 and 62-301, Reissue Revised Statutes of Nebraska, 1943; to change the observance of Arbor Day; and to repeal the original sections.

Whereupon the 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	Ashford	Baack	Barrett	Chizek

Conway	Hartnett	Labedz	Morehead	Smith
Coordsen	Hefner	Lamb	Nelson	Warner
Dierks	Higgins	Landis	Peterson	Wehrbein
Elmer	Johanns	Marsh	Rogers	Weihing
Goodrich	Johnson, L.	McFarland	Scofield	Wesely
Hannibal	Korshoj	Miller		

Voting in the negative, 6:

Haberman	Langford	Moore	Pirsch	Schmit
Johnson, V.				

Present and not voting, 1:

Bernard-
Stevens

Excused and not voting, 9:

Beyer	Chambers	Johnson, R.	Remmers	Withem
Campbell	Hall	Lynch	Schellpeper	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 912.

A BILL FOR AN ACT relating to not-for-profit organizations; to amend section 25-21,190, Revised Statutes Supplement, 1987; to redefine not-for-profit organization; and to repeal the original section.

Whereupon the 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	Coordsen	Hannibal	Johnson, V.	Marsh
Ashford	Dierks	Hartnett	Korshoj	McFarland
Baack	Elmer	Hefner	Labedz	Miller
Barrett	Goodrich	Higgins	Lamb	Moore
Chizek	Haberman	Johanns	Landis	Morehead
Conway	Hall	Johnson, L.	Langford	Nelson

Peterson	Rogers	Scofield	Warner	Weihing
Pirsch	Schmit	Smith	Wehrbein	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Bernard-
Stevens

Excused and not voting, 8:

Beyer	Chambers	Lynch	Schellpeper	Withem
Campbell	Johnson, R.	Remmers		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 929.

A BILL FOR AN ACT relating to the Nebraska Bingo Act; to amend sections 9-209 and 9-234, Revised Statutes Supplement, 1986; to redefine a term; to permit certain persons to provide bingo supplies or equipment without a license; and to repeal the original sections.

Whereupon the 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	Dierks	Higgins	Langford	Rogers
Ashford	Elmer	Johanns	McFarland	Schmit
Baack	Goodrich	Johnson, L.	Miller	Scofield
Barrett	Haberman	Johnson, V.	Moore	Smith
Bernard-Stevens	Hall	Korshoj	Morehead	Warner
Chizek	Hannibal	Labedz	Nelson	Wehrbein
Conway	Hartnett	Lamb	Peterson	Weihing
Coordsen	Hefner	Landis	Pirsch	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Marsh

Excused and not voting, 8:

Beyer	Chambers	Lynch	Schellpeper	Withem
Campbell	Johnson, R.	Remmers		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. V. Johnson and Wesely asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 948.

A BILL FOR AN ACT relating to foster care; to amend section 43-1314, Revised Statutes Supplement, 1986; to change the manner of providing a notice as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Conway	Hartnett	Landis	Pirsch
Ashford	Coordsen	Hefner	Langford	Rogers
Baack	Dierks	Higgins	Marsh	Schmit
Barrett	Elmer	Johanns	McFarland	Scofield
Bernard-Stevens	Goodrich	Johnson, L.	Moore	Smith
	Haberman	Korshoj	Morehead	Warner
Beyer	Hall	Labedz	Nelson	Wehrbein
Chizek	Hannibal	Lamb	Peterson	Weihing

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 9:

Campbell	Chambers	Johnson, R.	Johnson, V.	Lynch

Remmers Schellpeper Wesely Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 958.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1214, Reissue Revised Statutes of Nebraska, 1943; to provide additional uses for motor vehicle tax revenue 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	Coordsen	Hefner	Langford	Pirsch
Ashford	Dierks	Higgins	Marsh	Rogers
Baack	Elmer	Johanns	McFarland	Schmit
Barrett	Goodrich	Johnson, L.	Miller	Scofield
Bernard-Stevens	Haberman	Korshoj	Moore	Smith
	Hall	Labedz	Morehead	Warner
Beyer	Hannibal	Lamb	Nelson	Wehrbein
Chizek	Hartnett	Landis	Peterson	Weihing
Conway				

Voting in the negative, 0.

Excused and not voting, 9:

Campbell	Johnson, R.	Lynch	Schellpeper	Withem
Chambers	Johnson, V.	Remmers	Wesely	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 969.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-631, Reissue Revised Statutes of Nebraska, 1943; to change provisions prohibiting driving on shoulders of highways; and to repeal the original section.

Whereupon the 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	Conway	Hefner	Langford	Pirsch
Ashford	Coordsen	Higgins	Marsh	Rogers
Baack	Dierks	Johanns	McFarland	Schmit
Barrett	Elmer	Johnson, L.	Miller	Scofield
Bernard-Stevens	Goodrich	Korshoj	Moore	Smith
	Haberman	Labedz	Morehead	Warner
Beyer	Hall	Lamb	Nelson	Wehrbein
Chambers	Hannibal	Landis	Peterson	Weihing
Chizek	Hartnett			

Voting in the negative, 0.

Excused and not voting, 8:

Campbell	Johnson, V.	Remmers	Wesely	Withem
Johnson, R.	Lynch	Schellpeper		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 970.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-432 and 79-546, Reissue Revised Statutes of Nebraska, 1943; to eliminate certain restrictions on the school tax levy; to require Class I school districts to be audited 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	Beyer	Conway	Elmer
Ashford	Bernard-Stevens	Chambers	Coordsen	Goodrich
Baack		Chizek	Dierks	Haberman

Hall	Johnson, L.	Marsh	Peterson	Scofield
Hannibal	Korshoj	McFarland	Pirsch	Smith
Hartnett	Labedz	Miller	Remmers	Warner
Hefner	Lamb	Moore	Rogers	Wehrbein
Higgins	Landis	Morehead	Schmit	Weihing
Johanns	Langford	Nelson		

Voting in the negative, 0.

Excused and not voting, 7:

Campbell	Johnson, V.	Schellpeper	Wesely	Withem
Johnson, R.	Lynch			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 973.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-268, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to notices issued for weed removal as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Conway	Hefner	Marsh	Remmers
Ashford	Coordsen	Higgins	McFarland	Rogers
Baack	Dierks	Johanns	Miller	Schmit
Barrett	Elmer	Johnson, L.	Moore	Scofield
Bernard-Stevens	Goodrich	Korshoj	Morehead	Smith
	Haberman	Labedz	Nelson	Warner
Beyer	Hall	Lamb	Peterson	Wehrbein
Chambers	Hannibal	Landis	Pirsch	Weihing
Chizek	Hartnett	Langford		

Voting in the negative, 0.

Excused and not voting, 7:

Campbell	Johnson, V.	Schellpeper	Wesely	Withem
Johnson, R.	Lynch			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 977.

A BILL FOR AN ACT relating to fairgrounds; to amend section 2-203.06, Reissue Revised Statutes of Nebraska, 1943; to authorize additional uses for a tax levy; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Conway	Hefner	Marsh	Remmers
Ashford	Coordsen	Johanns	McFarland	Rogers
Baack	Dierks	Johnson, L.	Miller	Schmit
Barrett	Elmer	Korshoj	Moore	Scofield
Bernard-Stevens	Goodrich	Labedz	Morehead	Smith
	Haberman	Lamb	Nelson	Warner
Beyer	Hall	Landis	Peterson	Wehrbein
Chambers	Hannibal	Langford	Pirsch	Weihing
Chizek	Hartnett			

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 7:

Campbell	Johnson, V.	Schellpeper	Wesely	Withem
Johnson, R.	Lynch			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 984. With Emergency.

A BILL FOR AN ACT relating to real property; to amend section 76-1002, Reissue Revised Statutes of Nebraska, 1943; to authorize security for future advances secured by transfers in trust 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, 42:

Abboud	Conway	Hefner	Marsh	Remmers
Ashford	Coordsen	Higgins	McFarland	Rogers
Baack	Dierks	Johanns	Miller	Schmit
Barrett	Elmer	Johnson, L.	Moore	Scofield
Bernard-Stevens	Goodrich	Korshoj	Morehead	Smith
	Haberman	Labedz	Nelson	Warner
Beyer	Hall	Lamb	Peterson	Wehrbein
Chambers	Hannibal	Landis	Pirsch	Weihing
Chizek	Hartnett	Langford		

Voting in the negative, 0.

Excused and not voting, 7:

Campbell	Johnson, V.	Schellpeper	Wesely	Withem
Johnson, R.	Lynch			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1033.

A BILL FOR AN ACT relating to employment security; to amend section 48-602, Revised Statutes Supplement, 1986, and sections 48-627 and 48-652, Revised Statutes Supplement, 1987; to change a definition; to change provisions relating to eligibility conditions; to provide relief from certain charges 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	Conway	Hefner	Marsh	Remmers
Ashford	Coordsen	Higgins	McFarland	Rogers
Baack	Dierks	Johanns	Miller	Schmit
Barrett	Elmer	Johnson, L.	Moore	Scofield
Bernard-Stevens	Goodrich	Korshoj	Morehead	Smith
	Haberman	Labedz	Nelson	Warner
Beyer	Hall	Lamb	Peterson	Wehrbein
Chambers	Hannibal	Landis	Pirsch	Weihing
Chizek	Hartnett	Langford		

Voting in the negative, 0.

Excused and not voting, 7:

Campbell	Johnson, V.	Schellpeper	Wesely	Withem
Johnson, R.	Lynch			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1034.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-128 and 48-162.02, Revised Statutes Supplement, 1987; to provide duties for the presiding judge of the Nebraska Workers' Compensation Court regarding certain funds as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Bernard-Stevens	Chizek	Elmer	Hannibal
Ashford		Conway	Goodrich	Hartnett
Baack	Beyer	Coordsen	Haberman	Hefner
Barrett	Chambers	Dierks	Hall	Higgins

Johanns	Landis	Morehead	Remmers	Smith
Johnson, L.	Langford	Nelson	Rogers	Warner
Korshoj	McFarland	Peterson	Schmit	Wehrbein
Labedz	Miller	Pirsch	Scofield	Weihing
Lamb	Moore			

Voting in the negative, 0.

Present and not voting, 1:

Marsh

Excused and not voting, 7:

Campbell	Johnson, V.	Schellpeper	Wesely	Withem
Johnson, R.	Lynch			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 1079A. Title read. Considered.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE RESOLUTION 265CA. Read. Considered.

The Wesely motion found in the Journal on page 339 to indefinitely postpone was withdrawn.

The Withem pending amendment, AM2199, found in the Journal on page 1144, was withdrawn.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hannibal asked unanimous consent to be excused. No objections. So ordered.

Messrs. Bernard-Stevens and Withem offered the following amendment:

AM2624

1. On page 1, lines 2 and 10, after "2" insert ", 3,"; strike beginning with the second "and" in line 2 through the second comma in line 3; and strike beginning with the second "and" in line 10 through the second comma in line 11.

2. On page 2, after line 1, insert the following:

"CVII-3 'The State Board of Education shall be composed of eight members, who shall be ~~elected~~ appointed by the Governor, subject to approval of the Legislature, from eight districts of substantially equal population as provided by the Legislature. The initial terms of office for members of the State Board of Education shall be as follows: (a) Three members shall be appointed for two years; (b) three members shall be appointed for four years; and (c) two members shall be appointed for six years. Upon completion of the initial terms, their terms ~~Their term~~ of office shall be for ~~four~~ six years. ~~each.~~ Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession. ~~and they shall be elected on a nonpartisan ballot.~~'.";

strike lines 13 and 14; and in line 24 strike "and to eliminate" and insert "to provide for the appointment of the State Board of Education, and to change the powers of".

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Bernard-Stevens-Withem amendment was adopted with 26 ayes, 6 nays, 8 present and not voting, and 9 excused and not voting.

Pending.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1034, 1033, 984, 977, 973, 970, 969, 958, 948, 929, 912, 909, 903, and 901.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE RESOLUTION 265CA. Mr. Wesely moved to indefinitely postpone.

PRESIDENT NICHOL PRESIDING

Mr. Bernard-Stevens 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 asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wesely motion to indefinitely postpone lost with 11 ayes, 20 nays, 6 present and not voting, and 12 excused and not voting.

MR. LAMB PRESIDING

Mr. Elmer moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 14 nays, and 19 not voting.

SPEAKER BARRETT PRESIDING

Mr. Ashford offered the following amendment:
to amend LR 265 at line 11

No State Board of Education member shall be removed during their elective term of office.

The Ashford amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 17, 1988, at 3:15 p.m., were the following bills: 901, 903, 909, 912, 929, 948, 958, 969, 970, 973, 977, 984, 1033, and 1034.

(Signed) Pam Moravec, Enrolling Clerk

BILL ON FIRST READING

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

LEGISLATIVE BILL 764A. Introduced by Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 764, Ninetieth Legislature, Second Session, 1988.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 1089 in the Journal. No objections. So ordered.

AM2616

1. Insert the following new sections:

"Sec. 5. That section 53-123.12, Revised Statutes Supplement, 1986, be amended to read as follows:

53-123.12. Any person desiring to obtain a new license to operate a farm winery shall:

(1) File an application with the commission in triplicate original upon such forms as the commission shall from time to time prescribe;

(2) Pay the license fee to the commission under the provisions of subdivision (2) of section 53-124 which fee shall be returned to the applicant if

the application is denied; and

(3) Pay the state registration fee to the commission in the sum of twenty-five dollars. ~~; and~~

~~(4) Post the bond with the commission as set forth in section 53-138.02.~~

License fees~~,~~ and registration fees~~, and security for costs shall~~ may be paid to the commission by certified or cashier's check of a bank within this state, personal or business check, United States post office money order, or cash in the full amount thereof. The commission shall then notify, by registered or certified mail marked return receipt requested with postage prepaid, the municipal clerk of the city or incorporated village wherein such license is sought or, if the license is not sought within a city or incorporated village, the county clerk of the county wherein such license is sought of the receipt of the application and shall enclose with such notice one copy of the application. No such license shall then be issued by the commission until the expiration of at least forty-five days from the date of mailing such application by the commission. Within ~~thirty~~ thirty-five days from the date of receipt of such application from the commission, the local governing bodies of nearby cities or villages or the county may make and submit to the commission recommendations relative to the granting of or refusal to grant such license to the applicant.

Sec. 8. That section 53-135, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-135. A retail or bottle club license issued by the commission and outstanding may be automatically renewed by the commission without formal application ~~if the commission has on file a bond as required by section 53-138.02,~~ upon payment of the state registration fee~~,~~ and license fee if payable to the commission. The registration fee and license fee for license renewals may be paid by a personal or business check. The payment thereof shall be an affirmative representation and certification by the licensee that all answers contained in an application, if submitted, would be the same in all material respects as the answers contained in the last previous application. The

commission may at any time require a licensee to submit an application and the commission shall at any time require a licensee to submit an application if requested in writing to do so by the local governing body.

If a licensee files an application form in triplicate original upon seeking renewal of his or her license, the application shall be processed as set forth in section 53-131. ~~and the security for costs as required by that section shall be submitted to the commission.~~

Any licensed retail or bottle club establishment located in an area which is annexed to any governmental subdivision shall file a formal application for a license, and while such application is pending, the licensee shall be authorized to continue all license privileges ~~pursuant to section 53-124~~ until the original license expires or is canceled or revoked. If such license expires within sixty days following the annexation date of such area, the license may be renewed by order of the commission for not more than one year.".

2. On page 26, strike beginning with "Except" in line 17 through "no" in line 18, show as stricken, and insert "No alcoholic liquor or beer distributor's or manufacturer's".

3. On page 27, line 3, strike beginning with "as" through the colon, show as stricken, and insert an underscored colon; and strike beginning with "retailer's" in line 5 through line 18, show the old matter as stricken, and insert "and brewpub license, five thousand dollars.".

4. On page 36, line 21, after the comma insert "53-135,"; and in line 25 after the first comma insert "53-123.12,".

5. In the E & R amendments, AM5390, on page 2, line 4, after the semicolon insert "and"; strike beginning with the semicolon in line 6 through line 10, show as stricken, and insert an underscored period; in line 11 strike the first comma, show as stricken, and insert "and" and strike ", and security" and show as stricken; in line 12 strike "for costs" and show as stricken; in line 13 after the comma insert "personal or business check,"; and in line 15 strike "and costs.", show as stricken, and insert an underscored period.

6. Renumber the remaining sections

accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 764 in the Journal. No objections. So ordered.

AM2620

(Amendments to Standing Committee amendments, AM2148)

1. On page 6, line 9, after the period insert "No disbursement of or obligation to disburse any money in the fund shall be made after the effective date of this act until forty-five days after the predisbursement plan referring to such disbursement has been submitted to the Legislature or the Executive Board of the Legislative Council, as the case may be.".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1091 in the Journal. No objections. So ordered.

AM2623

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) There is hereby created the Railroad and Car Company Personal Property Reimbursement Fund to be administered by the State Treasurer. Any money in the Railroad and Car Company Personal Property Reimbursement Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. There is hereby appropriated four million one hundred thousand dollars for fiscal year 1988-89 from the Cash Reserve Fund for deposit into the Railroad and Car Company Personal Property Reimbursement Fund for distribution by the State Treasurer. The State Treasurer shall distribute, on or before August 31, 1988, to the school districts of Nebraska, as reimbursement for the dollar loss resulting from the injunction granted to the railroads in the discrimination lawsuit for tax year 1987 an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources excluding bonded indebtedness as determined by the Tax Commissioner. The State Treasurer shall distribute on or before August 31, 1988, to the cities in Nebraska, as reimbursement for the dollar loss resulting from the

injunction granted to the railroads in the discrimination lawsuit for tax year 1987, an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources as determined by the Tax Commissioner. The State Treasurer shall distribute, on or before August 31, 1988, to the technical community colleges of Nebraska, as reimbursement for the dollar loss resulting from the injunction granted to the railroads in the discrimination lawsuit for tax year 1987, an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources as determined by the Tax Commissioner. The State Treasurer shall distribute, on or before August 31, 1988, to the natural resources districts in Nebraska, as reimbursement for the dollar loss resulting from the injunction granted to the railroads in the discrimination lawsuit for tax year 1987, an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources as determined by the Tax Commissioner. The State Treasurer shall distribute on or before August 31, 1988, to the counties of Nebraska, as reimbursement for the dollar loss resulting from the injunction granted to the railroads and the car companies in the discrimination lawsuit for tax year 1987, an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources for 1987. Anticipated car company receipts shall be equal to the amount distributed during calendar year 1987 as determined by the Tax Commissioner.

(2) If the amount appropriated in this section is not sufficient to cover the reimbursement provided for in this section, the amount appropriated shall be prorated by the Tax Commissioner in conformance with this section.

(3) If any of the lawsuits pending as of the effective date of this act challenging the taxation of railroad and car company property are resolved so that such taxation is retained in whole or in part, state aid to any taxing subdivision which has received from the state any funds to reimburse the subdivision for the loss of taxes from such property shall be reduced for the first fiscal year following resolution of the

lawsuit. The reduction shall be in an amount equal to that certified by the Tax Commissioner to the State Treasurer as being the amount received by such subdivision as reimbursement for losses of taxes which the resolution of the lawsuit later upheld. The State Treasurer is hereby directed to so reduce from the amount appropriated for state aid for that fiscal year the aid to any such subdivision.

Sec. 2. That section 84-612, Revised Statutes Supplement, 1987, be amended to read as follows:

84-612. (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 subsections (2), (4), ~~and~~ (5), and (6) 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 subsection (2) of this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(4) On September 15, 1985, the State Treasurer shall transfer eight million five hundred thousand dollars from the Cash Reserve Fund to the General Fund to pay Tort Claim Number 4-302. Such transfer shall be reversed after July 1, 1989, but before September 1, 1989.

(5) For the period July 1, 1985, to June 30, 1986, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed after July 1, 1989, but before September 1, 1989.

(6) On the effective date of this act, the State Treasurer shall transfer four million two hundred thousand dollars from the Cash Reserve Fund to the Railroad and Car Company Personal Property Reimbursement Fund.

Sec. 3. That original section 84-612, Revised Statutes Supplement, 1987, is repealed.".

GENERAL FILE

LEGISLATIVE RESOLUTION 265CA. Considered.

Mrs. Morehead requested a record vote on the advancement of the resolution.

Voting in the affirmative, 25:

Baack	Conway	Higgins	Moore	Rogers
Bernard-Stevens	Coordsen	Johanns	Morehead	Schmit
Beyer	Elmer	Johnson, V.	Nelson	Scofield
Chambers	Hall	Lamb	Peterson	Smith
Chizek	Hartnett	Langford	Remmers	Weihing

Voting in the negative, 12:

Abboud	Hefner	Landis	Miller	Wehrbein
Ashford	Johnson, L.	Marsh	Warner	Wesely
Barrett	Korshoj			

Present and not voting, 4:

Dierks	Haberman	Labedz	McFarland

Excused and not voting, 8:

Campbell	Hannibal	Lynch	Schellpeper	Withem
Goodrich	Johnson, R.	Pirsch		

Advanced to E & R for Review with 25 ayes, 12 nays, 4 present and not voting, and 8 excused and not voting.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 855. Title read. Considered.

Standing Committee amendments, AM2074, found in the Journal on page 939 for the Thirty-First Day were considered.

PRESIDENT NICHOL PRESIDING

The Standing Committee amendments were adopted with 25 ayes, 5 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Ashford renewed his pending amendment, AM2563, found in the Journal on page 1394.

Mr. Haberman offered the following amendment to the pending Ashford amendment:

In AM2563 in line 17 pg. one after "1990" insert "1991, 1992, and 1993".

Pending.

MESSAGES FROM THE GOVERNOR

March 17, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 257, 320, 384, 384A, 821, 834, 842 and 864 were received in my office on March 15, 1988.

These bills were signed by me on March 17, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

March 17, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 165, 817, 819, 939, 961, 962, 996, 1010, 1045, 1046, 1051, 1064 and 1127 were received in my office on March 16, 1988.

These bills were signed by me on March 17, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 337. Introduced by R. Johnson, 34th District; Rogers, 41st District; Wehrbein, 2nd District; Morehead, 30th District; Wesely, 26th District; Elmer, 38th District; Bernard-Stevens, 42nd District; Miller, 37th District; Chambers, 11th District; Hefner, 19th District; Coordsen, 32nd District.

WHEREAS, agriculture is the backbone of Nebraska's economy and one of the most important industries in the United States; and

WHEREAS, Nebraska's diversified agricultural industry plays an irreplaceable role in our nation's food and fiber production; and

WHEREAS, throughout history, and especially in more recent times, farmers and ranchers have had to struggle for survival and yet through the hard work, ingenuity, and dedication Nebraskans and citizens throughout the country have reaped the benefits; and

WHEREAS, National Agriculture Week was established to focus national attention on the agriculture industry and to allow farmers and ranchers the opportunity to communicate their message to the nation; and

WHEREAS, the theme of 1988 National Agriculture Week is Honoring America's Providers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature of Nebraska declares March 20-26 as Agriculture Week in Nebraska and March 20 as Agriculture Day in Nebraska in conjunction with National Agriculture Week.

2. That the Legislature urges all Nebraskans to honor and thank Nebraska's farmers and ranchers by encouraging their support of and participation in Agriculture Week in Nebraska, March 20-26.

Laid over.

LEGISLATIVE RESOLUTION 338. Introduced by Johanns, 27th District.

WHEREAS, Dermot P. Coyne, George Holmes Distinguished Professor of Horticulture at the University of Nebraska-Lincoln, is one of two recipients of the 1988 University of Nebraska Outstanding Research and Creative Activity Award; and

WHEREAS, this award is the highest honor the university bestows in recognition of a professor's scholarship, research, and artistic achievements; and

WHEREAS, Professor Coyne is an internationally renowned authority on the genetics of the bacterial diseases of beans; and

WHEREAS, his pioneering research has led to the development of nine new varieties of plants introduced for use in the United States and other countries throughout the world; and

WHEREAS, in recent years, five of the high-yielding, bacteria-resistant bean varieties developed by Professor Coyne accounted for as much as sixty percent of the commercial bean acreage in Nebraska; and

WHEREAS, Professor Coyne has, due to his expertise and outstanding abilities, received research grants in excess of one and six-tenths million dollars from the federal government and other sources during the past ten years to support his scholarly endeavors at the University of Nebraska-Lincoln.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Professor Dermot P. Coyne, whose teaching, research, and service efforts continue to have a position impact upon the agricultural production capabilities of Nebraska, the nation, and the world, the field of horticulture, and the generations of students whom he has taught.

2. That a copy of this resolution be sent to Professor Coyne in appreciation for his outstanding contributions as a scholar, teacher, and research scientist.

3. That copies of this resolution be sent to the Board of Regents of the University of Nebraska and the Chancellor of the University of Nebraska-Lincoln.

Laid over.

LEGISLATIVE RESOLUTION 339. Introduced by Johanns, 27th District.

WHEREAS, Susan Welch, Carl A. Happold Distinguished Professor of Political Science at the University of Nebraska-Lincoln, is one of two recipients of the 1988 University of Nebraska Outstanding Research and Creative Activity Award; and

WHEREAS, this award is the highest honor the University bestows in recognition of a professor's scholarship, research, and artistic achievements; and

WHEREAS, Professor Welch is nationally and internationally renowned for her research on the political representation of minorities, political corruption, public employment patterns, criminal justice, and political attitudes; and

WHEREAS, she has emerged as one of the most prolific writers in the field of political science in the United States, authoring, co-authoring, or editing ten books and one hundred thirty articles during the past seventeen years; and

WHEREAS, since 1982, Professor Welch has published more than one-half of all articles written by women political scientists in this nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Professor Susan Welch, whose scholarly research and publications have substantially advanced the common body of knowledge in the field of political science and brought international recognition to the University of Nebraska-Lincoln and the State of Nebraska.

2. That a copy of this resolution be sent to Professor Welch in appreciation for her outstanding contributions as a scholar, a teacher, and an author.

3. That copies of this resolution be sent to the Board of Regents of the University of Nebraska and the Chancellor of the University of Nebraska-Lincoln.

Laid over.

MOTION - Adjournment

Mrs. Higgins moved to adjourn. The motion lost with 2 ayes, 18 nays, and 29 not voting.

GENERAL FILE

LEGISLATIVE BILL 855. The pending Haberman amendment found in this day's Journal was renewed.

SPEAKER BARRETT PRESIDING

Mr. Ashford 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 Haberman amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

The pending Ashford amendment, as amended, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mrs. Higgins moved to indefinitely postpone LB 855.

Mr. Schmit, Mesdames Labedz, and Langford asked unanimous consent to be excused. No objections. So ordered.

Mr. Ashford 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. Higgins requested a roll call vote on her motion to indefinitely postpone.

Voting in the affirmative, 4:

Chambers	Higgins	Korshoj	Smith

Voting in the negative, 29:

Abboud	Beyer	Hall	Lamb	Peterson
Ashford	Chizek	Hartnett	Landis	Remmers
Baack	Conway	Hefner	Marsh	Rogers
Barrett	Coordsen	Johanns	Miller	Wehrbein
Bernard-Stevens	Elmer	Johnson, L.	Moore	Weihing
	Haberman	Johnson, V.	Nelson	Wesely

Present and not voting, 4:

Dierks	Morehead	Scofield	Warner

Excused and not voting, 12:

Campbell	Johnson, R.	Lynch	Pirsch	Schmit
Goodrich	Labedz	McFarland	Schellpeper	Withem
Hannibal	Langford			

The Higgins motion to indefinitely postpone lost with 4 ayes, 29 nays, 4 present and not voting, and 12 excused and not voting.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

VISITORS

Visitors to the Chamber were Trish Deveny from Fort Worth, Texas; 14 students and teacher from Pleasant Ridge School, Auburn; and 36 fourth grade students and teacher from St. Bernard's School, Omaha.

ADJOURNMENT

At 5:32 p.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Friday, March 18, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 18, 1988

LEGISLATIVE JOURNAL

FORTY-SEVENTH DAY - MARCH 18, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 18, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Bob Chitwood, Capitol City Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. R. Johnson who was excused; and Messrs. Ashford, Chambers, Hall, Hartnett, Lynch, Withem, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Sixth Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 325. Read. Considered.

LR 325 was adopted with 27 ayes, 0 nays, and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 1041. Mr. Schmit offered the following amendment:

AM2524

(Amendments to AM2250)

1. On page 1, line 12, strike "2,188,364" and insert "2,038,364" and before the semicolon insert "and strike '2,392,444' and insert '2,242,444'"; in line 13 strike "2,425,783" and insert "2,275,783", before the semicolon insert "and strike '2,633,071' and insert '2,483,071'", and strike the second "and"; and in line 14 before the period insert "; in line 12 strike '$697,360' and insert '$547,360'; and in line 13 strike '$848,000' and insert '$698,000'".

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit amendment lost with 9 ayes, 17 nays, 13 present and not voting, and 10 excused and not voting.

Messrs. Abboud, Haberman, and Hefner offered the following amendment:

Amendment to AM2250

Purpose: To strike the amendment to provide funding for public radio ($88,261).

Amendment:

Strike the V. Johnson, R. Johnson and Ashford amendment to provide funding for public radio adopted 3-17-88.

PRESIDENT NICHOL PRESIDING

Mr. Haberman requested a ruling of the Chair on whether the Abboud-Haberman-Hefner amendment requires a motion to reconsider the V. Johnson-R. Johnson-Ashford amendment adopted in the Journal on page 1474.

The Chair ruled that a motion to reconsider the V. Johnson-R. Johnson-Ashford amendment is the appropriate motion.

Mr. Abboud moved to reconsider the adoption of the V. Johnson-R. Johnson-Ashford amendment relating to public radio.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Mr. Abboud moved for a call of the house. The motion lost with 16 ayes, 19 nays, and 14 not voting.

Mr. Hefner requested a record vote on the Abboud motion to reconsider.

Voting in the affirmative, 19:

Abboud	Elmer	Johanns	Peterson	Smith
Beyer	Haberman	Johnson, L.	Pirsch	Warner
Campbell	Hannibal	Korshoj	Remmers	Wehrbein
Coordsen	Hefner	Langford	Schellpeper	

Voting in the negative, 20:

Baack	Conway	Labedz	Miller	Scofield
Bernard-Stevens	Dierks	Landis	Morehead	Weihing
Chambers	Hall	Lynch	Nelson	Wesely
Chizek	Johnson, V.	Marsh	Rogers	Withem

Present and not voting, 7:

Ashford	Goodrich	McFarland	Moore	Schmit
Barrett	Hartnett			

Excused and not voting, 3:

Higgins	Johnson, R.	Lamb

The Abboud motion to reconsider lost with 19 ayes, 20 nays, 7 present and not voting, and 3 excused and not voting.

Pending.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 17, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

DeCamp Legal Services, P.C.
DeCamp, John W. - Lincoln, Moylan, James (Withdrawn 88/03/15); Project 2000
Hallstrom, Robert J. - Lincoln, Lincoln Babe Ruth Baseball Association
Hamilton, William A. - Lincoln, Aircraft Owners & Pilots Association
Ilg, Shawn M. - Lincoln (Withdrawn 88/03/15), Associated Students of the University of Nebraska (Withdrawn 88/03/15)
Morrissey, Spencer W. - Tecumseh (Withdrawn 88/03/11), Brotherhood of Maintenance of Way Employees (Withdrawn 88/03/11)
O'Hara & Associates, Inc. - Lincoln, Project 2000
Rasmussen, Dennis - Lincoln, Project 2000

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 1040 in the Journal. No objections. So ordered.

AM2541
1. On page 4, line 7, before "more" insert "at or".

RESOLUTION

LEGISLATIVE RESOLUTION 340. Introduced by Baack, 47th District.

WHEREAS, the year 1988 marks one hundred years since residents of Cheyenne County voted to break off from that county and form Kimball County; and

WHEREAS, Kimball County has been and will continue to be an outstanding county; and

WHEREAS, the 4th of July, the Farmers Day Celebration, and the county fair are important and significant events in the heritage of Kimball County and are appropriate days to observe the centennial of Kimball County; and

WHEREAS, the residents of Kimball county deserve special recognition as they celebrate their centennial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the contributions and efforts of those residents, both past and present, who labored and aspired to make Kimball County successful.

2. That the Legislature extends its best wishes to the current residents of Kimball 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 extends its congratulations to Kimball County during its centennial celebration.

4. That a copy of this resolution be sent to the residents of Kimball County in care of Lyle Shaw, Chairperson of the Kimball County Commissioners and to Colleen Blackman, Chairperson of the Centennial Committee.

Laid over.

LEGISLATIVE RESOLUTION 341. Introduced by Baack, 47th District.

WHEREAS, 1988 marks the one hundredth anniversary of the City of Bayard, Nebraska, located in Morrill County; and

WHEREAS, Bayard has been and will continue to be an outstanding community with outstanding citizens; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for founding the community; and

WHEREAS, the citizens of Bayard deserve special recognition during their year-long centennial celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize and commend the City of Bayard and its citizens for their centennial celebration.

2. That the Legislature congratulates and extends best wishes to the citizens of the Bayard community.

3. That a copy of this resolution shall be sent to the citizens of Bayard in care of W. L. George, Mayor of Bayard, and to Paul A. Evans, the publisher of the Bayard Transcript.

Laid over.

LEGISLATIVE RESOLUTION 342. Introduced by Baack, 47th District; Weihing, 48th District.

WHEREAS, the year 1988 marks one hundred years since residents of Cheyenne County voted to break off from that county and form Scotts Bluff County; and

WHEREAS, Scotts Bluff County has been and will continue to be an outstanding county; and

WHEREAS, the county fair is an important and significant event in the heritage of Scotts Bluff County and it is an appropriate time for observation of the centennial of Scotts Bluff County, along with activities throughout the year; and

WHEREAS, the residents of Scotts Bluff County deserve special recognition as they celebrate their centennial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the contributions and efforts of those residents, both past and present, who labored and aspired to make Scotts Bluff County successful.

2. That the Legislature extends its best wishes to the current residents of Scotts Bluff 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 extends its congratulations to Scotts Bluff County during its centennial celebration.

4. That a copy of this resolution be sent to the residents of Scotts Bluff County in care of Mark J. Masterton, Chairperson of the Scotts Bluff County Commissioners and to Marlene Boyer, Chairperson of the Centennial Committee.

Laid over.

LEGISLATIVE RESOLUTION 343. Introduced by Business and Labor Committee: Hall, 7th District, Chairperson; Chambers, 11th District; Coordsen, 32nd District; Hefner, 19th District; Johanns, 27th District; Korshoj, 16th District; Labedz, 5th District.

PURPOSE: The purpose of this resolution is to examine the Industrial Relations Act and the State Employees Collective Bargaining Act in detail to determine what changes, if any, are needed in either or both of these acts to assure fair and orderly collective bargaining for all public employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 344. Introduced by Business and Labor Committee: Hall, 7th District, Chairperson; Chambers, 11th District; Coordsen, 32nd District; Hefner, 19th District; Johanns, 27th District; Korshoj, 16th District; Labedz, 5th District.

PURPOSE: The purpose of this resolution is to examine the operation and funding of fringe benefit funds created by collective bargaining between private employers and their employees. This study should examine contributions required of employers, the rights of employees, the ramifications of nonpayment by employers, enforcement of collectively bargained contracts, and the need for legislation in this area.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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.

GENERAL FILE

LEGISLATIVE BILL 1041. Messrs. Chambers and Baack moved to reconsider the Lamb amendment (p. 1472 of the Journal) adopted 3-17-88.

Messrs. Chambers and Baack withdrew their pending motion to reconsider.

Advanced to E & R for Review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1160. Title read. Considered.

Standing Committee amendments, AM2301, found in the Journal on page 1168 for the Thirty-Eighth Day were adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 38. Title read. Considered.

SPEAKER BARRETT PRESIDING

Standing Committee amendment, AM2066, found in the Journal on page 1169 for the Thirty-Eighth Day was adopted with 29 ayes, 0 nays, 17 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 764. Title read. Considered.

Standing Committee amendment, AM2148, found in the Journal on page 976 for the Thirty-Second Day was considered.

Mr. Withem and Mrs. Johanns asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Warner renewed his pending amendment, AM2620, found in the Journal on page 1498 to the pending Standing Committee amendment.

The Warner amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 345. Introduced by Coordsen, 32nd District.

WHEREAS, the Village of Milligan is celebrating its centennial this year; and

WHEREAS, Milligan is located in Fillmore County; and

WHEREAS, Milligan derives its name from Mr. Milligan who was an official of the Kansas City and Omaha Railroad; and

WHEREAS, a centennial celebration exemplifies the community spirit found in this great state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends congratulations to the Village of Milligan on its centennial celebration.

2. That a copy of this resolution be sent to John Kassick, chairperson of the Village Board of Milligan.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 1041 in the Journal. No objections. So ordered.

Amendment to AM2250

Purpose: To strike the amendment to provide funding for public radio ($88,261).

Amendment:

Strike the V. Johnson, R. Johnson and Ashford amendment to provide funding for public radio adopted 3-17-88.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 295. Placed on Select File as amended.
E & R amendments to LB 295:
AM5407

1. In lieu of the first Hall amendment found on page 1416 of the Journal adopted March 15, 1988, in the V. Johnson-Morehead amendment, AM2336, adopted March 15, 1988, on page 10, lines 8 to 9; and page 11, line 22, strike ", rule, or regulation".

2. In lieu of the second Hall amendment found on page 1416 of the Journal adopted March 15, 1988, in the V. Johnson-Morehead amendment, AM2336, adopted March 15, 1988:

a. On page 16, line 23; and page 17, line 5, strike "twenty", show as stricken, and insert "five"; and

b. On page 17, line 2, strike "twenty-day", show as stricken, and insert "five-day".

3. In the V. Johnson-Morehead amendment, AM2336, adopted March 15, 1988:

a. On page 3, line 19, strike "proceeds or" and show as stricken;

b. On page 3, line 22; page 4, lines 5 and 7; and page 6, line 6, strike "proceeds or";

c. On page 5, line 20, strike "net"; and in line 23 strike the comma;

d. On page 6, line 10, strike "or proceeds";

e. On page 7, line 18, strike the second comma;

f. On page 10, line 20, after "cancellation" insert an underscored comma;

g. On page 11, line 9, strike "concealments" and insert "concealment";

h. On page 12, line 15, strike "the provisions of"; and in line 19 strike the second comma;

i. On page 13, line 8; page 23, line 18; and page 24, line 10, strike the comma and show as stricken;

j. On page 21, line 9, after "(19)" insert an underscored comma;

k. On page 22, line 23, strike "whose", show

as stricken, and insert "the" and after "membership" insert "of which";

l. On page 30, line 15, strike the first comma and insert "or" and strike "or"; and in line 16 strike "otherwise connected,";

m. On page 32, line 4, strike "For each" and insert "Each"; in line 5 after "organization" insert "for which"; in line 6 strike the comma and insert "shall obtain"; strike line 7 and insert "(2) of this section."; and in line 24 strike "a", show as stricken, and insert "the";

n. On page 33, line 8, strike "it is", show as stricken, and insert "such premises are"; and in line 18 strike "is", show as stricken, and insert "are";

o. On page 34, line 11, strike "in a", show as stricken, and insert "on"; and in line 24 strike the comma;

p. On page 35, line 13, strike the comma;

q. On page 37, line 12, strike "premise" and insert "premises";

r. On page 38, line 20; and page 39, line 8, strike the comma and show as stricken;

s. On page 39, line 16, strike "are", show as stricken, and insert "is";

t. On page 40, line 18, after "prizes" insert an underscored comma; in line 19 strike "whose", show as stricken, and insert "the" and after "value" insert "of which"; and in line 20 after "prize" insert an underscored comma;

u. On page 41, strike beginning with "Except" in line 3 through "a" in line 4 and insert "A"; and in line 24 strike "are" and insert "shall be"; and

v. On page 47, strike beginning with the seventh comma in line 6 through the fifth comma in line 7 and insert "to"; and in lines 7 to 8 strike ", 9-243," and insert "to".

4. Strike beginning with "9-214" on page 1, line 2, through page 2, line 17, and insert "9-212, 9-215, 9-216, 9-218, 9-222, 9-226 to 9-233, 9-236, 9-242 to 9-244, 9-246, 9-247, 9-253, 9-258, 9-259, and 9-261, Revised Statutes Supplement, 1986, and section 9-262, Revised Statutes Supplement, 1987; to define, redefine, and eliminate terms; to change provisions relating to the issuance, denial, renewal, suspension, and

expiration of certain licenses and permits; to provide for the classification of licenses; to provide penalties; to change provisions relating to appeals, the compensation of certain persons, and the purchase of supplies as prescribed; to require licenses for gaming managers and commercial lessors as prescribed; to restrict the leasing of premises as prescribed; to provide fees; to require payment of expenses from a certain account as prescribed; to provide that certain documents are public records; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 9-224, Revised Statutes Supplement, 1986.".

LEGISLATIVE BILL 295A. Placed on Select File as amended.
E & R amendments to LB 295A:
AM5406

1. On page 1, line 3; and page 2, line 8, strike "First Session, 1987" and insert "Second Session, 1988".

2. On page 2, lines 3 and 12, strike "1987" and insert "1988"; in lines 3, 5, 12, and 13, strike "1988" and insert "1989"; and in lines 5 and 13 strike "1989" and insert "1990".

LEGISLATIVE BILL 1079A. Placed on Select File.

(Signed) Scott Moore, Chairperson

VISITORS

Visitors to the Chamber were Ms. Vinciane Schicks from Belgium, Mr. Jorge Vilar from Bolivia, Ms. Raquel Carneiro and Mr. Marcelo Marcondes Stegani from Brazil, Ms. Carolina Villarreal from Costa Rica, Mr. Stephan Bachelet, Ms. Fransoise Deniaud, and Ms. Valerie Lassus from France, Ms. Kathrin Alice Mander from Germany, Mr. Lorenzo Carta from Italy, Ben Anderson, Mr. Juan Ascenio Bareiro from Paraguay, Ms. Mirna Del Carmen Pacheco Caceres from Guatemala, Mr. Ignacio Antonio Garcia Tobaruela from Spain, and Mr. Didier Rheme from Switzerland; Mike and Barney Sherman and children from Whitney; Senator Schmit's brother, Harry and his wife, Sharon, and children, Tricia, Carla, Jill, and Matt; 10 fifth through eighth grade students and teacher from Emmanuel Lutheran School, Osmond; 72 fourth grade students and teacher from Golden Hills and

Anderson Grade Schools, Omaha; Senator Johanns' mother, Joan Suther; and 20 second grade students and teacher from Westfall School, Malcolm.

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 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. R. Johnson who was excused; and Messrs. Ashford, Coordsen, Schmit, Warner, and Mrs. Higgins who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mrs. Langford asked unanimous consent to print the following amendment to LB 940 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2611.)

SELECT FILE

LEGISLATIVE BILL 1117. Mrs. Langford renewed her pending motion found in the Journal on page 1177 to indefinitely postpone.

The Langford motion lost with 6 ayes, 22 nays, 15 present and not voting, and 6 excused and not voting.

Messrs. Schellpeper and Bernard-Stevens withdrew their pending amendment, AM2177, found in the Journal on page 996.

Messrs. Schellpeper and Bernard-Stevens offered the following amendment:
AM2279

1. Insert the following new section:

"Sec. 7. The Legislature declares the week

preceding September 1 as Educational Technology Week. In order to train Nebraska teachers in uses of technology for instruction through electronic means, to provide inservice and preservice training as well as technical assistance for educators, and to encourage educators to attend education technology workshops and visit the demonstration site for state-of-the-art hardware, no public schools shall offer instructional classroom hours during the first four days preceding the first Monday in September.".

Mr. 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.

Messrs. Schellpeper and Bernard-Stevens withdrew their pending amendment.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem offered the following amendment:
AM2634

1. On page 2, line 10, strike "train" and insert "provide assistance and direction in the training of".

2. On page 3, after line 9, insert the following new subdivision:

"(1) To design, implement, and evaluate a distance learning project, including at least one course transmitted via interactive audio, video, or computer in order to equalize student access and educational opportunities in geographically isolated areas of the state;"; in line 10 strike "(1)" and insert "(2)"; in line 13 strike "(2)" and insert "(3)"; in line 16 strike "(3)" and insert "(4)"; in line 18 strike "(4)" and insert "(5)"; in line 23 strike "(5)" and insert "(6)"; and in line 25 strike "(6)" and insert "(7)".

3. On page 4, line 2, strike "(7)" and insert "(8)"; in line 4 strike "(8)" and insert "(9)"; in line 6 strike "(9)" and insert "(10)"; in line 10 strike "(10)" and insert "(11)"; in line 13 after the comma insert "the Nebraska Library Commission,"; in line 15 strike "(11)" and insert "(12)"; and in line 18 strike

"(12)" and insert "(13)".

4. On page 5, line 1, strike "(13)" and insert "(14)" and after "disseminate" insert "information on".

The Withem amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1117A. Mr. Withem offered the following amendment:

AM2635:

1. On page 2, line 2, strike "$625,303" and insert "$349,000"; in line 3 strike "$821,903" and insert "$200,000"; in line 8 after the period insert "The first priority for utilization of such funds shall be the implementation of subdivisions (1) and (13) of section 3 of Legislative Bill 1117, Ninetieth Legislature, Second Session, 1988."; in line 11 strike "$108,511" and insert "$105,661"; and in line 12 strike "$133,950" and insert "$100,000".

The Withem amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Withem announced the Education and Appropriations Committees will meet in Room 1517-C on Tuesday, March 22, 1988, at 12:30 p.m.

Joint meeting to receive testimony of Postsecondary Coordinating Commission as prescribed in Sections 85-9,107 and 85-9,108.

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 1126 in the Journal. No objections. So ordered.

AM2170

1. On page 2, line 22, strike "license issued

by and" and insert "record".

UNANIMOUS CONSENT - Member Excused

Mr. Bernard-Stevens asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 294. Mrs. Labedz asked unanimous consent to replace the Labedz-Hall pending amendment, AM2237, found in the Journal on page 1056, with a substitute amendment. No objections. So ordered.

Mrs. Labedz and Mr. Hall withdrew their pending amendment, AM2237, found in the Journal on page 1056.

Mrs. Labedz, Messrs. Chambers, Chizek, Hall, and Wesely offered the following substitute amendment:
AM2542
(Amendments to Standing Committee amendments, AM1450)

1. Insert the following new section:

"Section 1. That section 77-2716.01, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2716.01. (1) Every individual shall be allowed to subtract from federal adjusted gross income an amount for personal exemptions. For tax year 1987, the amount allowed to be subtracted shall be one thousand one hundred dollars multiplied by the number of exemptions allowed on the federal return. For tax years commencing or deemed to begin on or after January 1, 1988, the amount allowed to be subtracted shall be one thousand one hundred and thirty dollars multiplied by the number of exemptions allowed on the federal return.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction. ~~The amount of the standard deduction shall depend upon~~ equal to the federal standard deduction for the filing status used on the federal return. ~~For tax year 1987, individuals who file as single or head of household shall be allowed two thousand five hundred thirty dollars, married filing~~

~~jointly shall be allowed three thousand seven hundred forty dollars, and married filing separately shall be allowed one thousand eight hundred seventy dollars. For tax years commencing or deemed to begin on or after January 1, 1988, individuals who file as single or head of household shall be allowed two thousand five hundred fifty dollars, married filing jointly shall be allowed three thousand seven hundred eighty dollars, and married filing separately shall be allowed one thousand eight hundred ninety dollars.~~

(3) Every individual who itemized on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or all of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid.".

2. On page 3, line 9, strike "section" and insert "sections 77-2716.01 and".

3. Renumber the remaining sections accordingly.

Mr. Schellpeper 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. Landis requested a record vote on the Labedz et al. amendment.

Voting in the affirmative, 31:

Abboud	Coordsen	Johanns	Miller	Schellpeper
Baack	Dierks	Johnson, V.	Moore	Scofield
Beyer	Elmer	Korshoj	Morehead	Smith
Campbell	Goodrich	Labedz	Nelson	Weihing
Chambers	Hall	Landis	Remmers	Wesely
Chizek	Hartnett	Lynch	Rogers	Withem
Conway				

Voting in the negative, 4:

Hannibal	Hefner	Langford	Peterson

Present and not voting, 8:

Barrett	Lamb	McFarland	Warner	Wehrbein
Johnson, L.	Marsh	Pirsch		

Excused and not voting, 6:

Ashford	Bernard-Stevens	Haberman	Higgins	Johnson, R.
				Schmit

The Labedz et al. amendment was adopted with 31 ayes, 4 nays, 8 present and not voting, and 6 excused and not voting.

Mrs. Labedz and Mr. Hall withdrew their pending amendment, AM2241, found in the Journal on page 1054.

Messrs. V. Johnson and Wesely withdrew their pending amendment, AM2378, found in the Journal on page 1209.

Mr. V. Johnson renewed his pending amendment, AM2366, found in the Journal on page 1210.

Mrs. Johanns moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 14 nays, and 20 not voting.

Pending.

Mrs. Johanns asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 1238. Placed on General File as amended.
Standing Committee amendments to LB 1238:
AM2613

1. Strike original section 4.

2. On page 13, line 3, strike "5 and 7" and insert "4 and 6"; in line 11 strike "sections" and insert "section"; and in line 12 strike "and 77-2608".

3. Renumber the remaining sections accordingly.

(Signed) Vard R. Johnson, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1207. Placed on Select File as amended.
E & R amendments to LB 1207:
AM5408

1. In the Standing Committee amendments, AM2108, adopted March 16, 1988:

a. On page 12, line 14, after "proposed" insert "agricultural";

b. On page 13, line 16, strike "shall have the authority to" and insert "may";

c. On page 13, lines 14 and 21; and page 14, line 23, strike the comma;

d. On page 14, line 1, strike "Nebraska" and insert "agricultural";

e. On page 17, line 15, strike "shall"; in line 16 strike "challenge" and insert "challenges"; and in line 20 strike the comma and insert "and"; and

f. On page 18, line 8, strike "provided" and insert "if".

2. On page 1, line 2, strike "and" and after the last comma insert "77-1368, and 77-1510,"; in line 4 after the last comma insert "77-1504,"; in line 5 strike "77-1503.01" and insert "77-1506.02"; in line 6 strike "intracounty" and insert "intercounty"; in line 12 after the semicolon insert "to provide procedures for the development of new agricultural land valuation manuals; to provide powers and duties for the county board of equalization; to provide appeal procedures;"; and in line 13 strike "certain" and insert "appeal".

3. On page 2, line 2, strike "and"; and strike beginning with the second comma in line 4 through "1987" in line 6 and insert "; and to declare an emergency".

LEGISLATIVE BILL 1207A. Placed on Select File as amended.
E & R amendment to LB 1207A:
AM5409

1. On page 2, line 4, strike "1980" and insert "1990".

LEGISLATIVE RESOLUTION 265CA. Placed on Select File as amended.

E & R amendments to LR 265CA:
AM5410

1. In lieu of the Ashford amendment adopted March 17, 1988, found beginning on page 1494 of the Journal, in the Bernard-Stevens-Withem amendment, AM2624, adopted March 17, 1988, on page 2, line 3, after the period insert "No member of the State Board of Education shall be removed during his or her elective term of office.".

2. In the Bernard-Stevens-Withem amendment, AM2624, adopted March 17, 1988, on page 2, line 1, strike "expense", show as stricken, and insert "expenses"; in line 5 before the third "and" insert a comma; and strike beginning with "to" in line 6 through the comma in line 7.

3. On page 2, line 8, strike the comma and show as stricken; and in line 22 after "Education" insert "and the State Board of Education.".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 978 in the Journal. No objections. So ordered.

AM2651

1. Insert the following new section:

"Section 1. That section 53-134, Revised Statutes Supplement, 1986, be amended to read as follows:

53-134. The local governing body of any city or village with respect to licenses within its corporate limits, and the local governing body of any county with respect to licenses not within the corporate limits of any city or village, shall have the following powers, functions, and duties with respect to retail and bottle club licenses: (1) To cancel, ~~or~~ revoke, or suspend for cause retail or bottle club licenses to sell or dispense alcoholic liquors issued to persons for premises within its jurisdiction, subject to the right of appeal; ~~to the commission;~~ (2) to enter or to authorize any law enforcement officer to enter at any time upon any premises licensed hereunder to determine whether any of

the provisions of ~~this act~~ the Nebraska Liquor Control Act or any rules or regulations adopted and promulgated by it or by the commission have been or are being violated, and at such time to examine the premises of such licensee in connection therewith; (3) to receive a signed complaint from any citizen within its jurisdiction that any of the provisions of ~~this~~ the act, or any rules or regulations adopted and promulgated pursuant thereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided; (4) to receive retail or bottle club license fees as provided in subdivision (5) or (9) of section 53-124, and pay the same forthwith, after the applicant has been delivered his or her retail or bottle club license, to the city or village, or county treasurer, as the case may be; (5) to examine, or cause to be examined, any applicant or any retail or bottle club licensee upon whom notice of cancellation or revocation has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and to take proof for its information in the performance of its duties. For the purpose of obtaining any of the information desired, the local governing body may authorize its agent or attorney to act on its behalf; (6) to cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in section 53-1,116, it determines that the licensee has violated any of the provisions of ~~this~~ the act or any valid and subsisting ordinance, rule, or regulation duly enacted relating to alcoholic liquors. Such order of cancellation or revocation shall be subject to appeal ~~to the commission as other orders or actions of the local governing body,~~ as ~~hereinafter~~ provided in section 53-1,116; and (7) upon receipt from the commission of the notice and copy of application as provided in section 53-131, the local governing body shall fix a time and place at which a hearing will be had and at which such local governing body shall receive evidence, either orally or by affidavit, from the applicant and any other person, bearing upon the propriety of the issuance of such license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in such city, village, or

county, as the case may be, one time not less than seven nor more than fourteen days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the local governing body in support of or protest against the issuance of such license may do so at the time of the hearing. Such hearing shall be held not more than twenty-one days after the date of receipt of the notice from the commission. At the hearing, the considerations of the local governing body shall include, but not be limited to, (a) the adequacy of existing law enforcement and the recommendation of law enforcement agencies in the area, (b) existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises, (c) zoning restrictions, (d) the sanitation or sanitary conditions on or about the proposed licensed premises, (e) the existence of a citizens' protest and any other evidence in support of or opposition to the application, (f) the existing population of the city, village, or county, as the case may be, its projected growth, the existence of licenses in such city, village, or county, and the class of such licenses, (g) the nature of the neighborhood or community where the proposed licensed premises are located, (h) whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest, and (i) any licensing standards enacted by such local governing body pursuant to section 53-134.01. After such hearing, the local governing body shall cause to be spread at large in the minute record of its proceedings a resolution recommending ~~either~~ the issuance, ~~or refusal of~~ the denial, or the renewal of such license or the refusal to issue, deny, or renew such license. The clerk of such city, village, or county shall thereupon mail to the commission by first-class mail postage prepaid a copy of the resolution which shall state the cost of the published notice, except that failure to comply herewith shall not render void any license issued by the commission. In the event the commission refuses to issue such a license, the cost of publication of notice as herein required shall be paid by the commission from the security for costs.".

2. On page 4, strike beginning with "The" in line 8 through the period in line 19 and show as stricken; in line 20 strike "such", show as stricken, and insert "the"; in line 21 after "decision" insert "to the parties of record"; and strike beginning with "notice" in line 23 through the first "the" in line 24 and show as stricken.

3. On page 5, line 4, after "of" insert ", the suspension, cancellation, revocation, or renewal of, or the refusal to issue, deny, suspend, cancel, revoke or renew"; strike beginning with "with" in line 14 through "filing" in line 16 and show as stricken; strike beginning with the comma in line 17 through the period in line 19, show as stricken, and insert an underscored period; in line 20 strike "notice of intention to appeal", show as stricken, and insert "petition" and strike "be filed with", show as stricken, and insert "name"; and strike beginning with "and" in line 21 through "each" in line 23, show as stricken, and insert "as the".

4. On page 6, line 1, strike "such", show as stricken, and insert "the"; in line 2 after "decision" insert "to the parties of record"; strike beginning with "It" in line 3 through the period in line 15, show as stricken, and insert "The petition shall set forth: (a) The name and mailing address of the petitioner; (b) the name and mailing address of the commission and the local governing body making the decision or recommendation; (c) the identification of the final decision or recommendation at issue together with a duplicate copy of the decision or recommendation; (d) the identification of the parties in the contested case that led to the final decision or recommendation; (e) facts to demonstrate proper venue; (f) the petitioner's reasons for believing that relief should be granted; and (g) a request for relief, specifying the type and extent of the relief requested."; strike beginning with "notice" in line 16 through "commission" in line 17, show as stricken, and insert "petition and the making of a request"; and strike beginning with "on" in line 20 through line 25, show the old matter as stricken, and insert "a certified copy of the official record of the proceedings had before the commission. Such official record shall include: (i) Notice of all proceedings;

(ii) any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the commission pertaining to the contested case; (iii) the transcribed record of the hearing before the commission including all exhibits and evidence introduced during such hearing, a statement of the matters officially noticed by the commission during the proceeding, and all proffers of proof and objections and rulings thereon; and (iv) the final order appealed from. The commission shall charge the petitioner with the reasonable direct cost or require the petitioner with the reasonable direct cost or require the petitioner to pay the cost for preparing the official record for transmittal to the court in all cases except when the petitioner is not required to pay a filing fee. The commission may require payment or bond prior to the transmittal of the record.".

5. On page 7, strike beginning with "(ii)" in line 1 through the period in line 2 and show the old matter as stricken; strike beginning with "in" in line 3 through the comma in line 4 and show as stricken; strike beginning with "notice" in line 12 through "section" in line 14 and insert "petition and the making of a request"; and strike beginning with "on" in line 15 through the period in line 23 and insert "a certified copy of the official record of the proceedings had before the local governing body. Such official record shall include: (i) Notice of all proceedings; (ii) any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the local governing body pertaining to the contested case; (iii) the transcribed record of the hearing before the local governing body including all exhibits and evidence introduced during such hearing, a statement of the matters officially noticed by the local governing body during the proceeding, and all proffers of proof and objections and rulings thereon; and (iv) the final order appealed from. The local governing body shall charge the petitioner with a reasonable direct cost or require the petitioner to pay the costs for preparing the official record for transmittal to the court in all cases except when the petitioner is not required to pay a filing fee. The local governing body may require payment or bond prior

to the transmittal of the record.".

6. On page 8, strike lines 17 through 22 and show the old matter as stricken; in line 23 strike "section" and insert "sections 53-134 and"; and in line 24 strike "is" and insert "are".

7. Renumber the remaining sections accordingly.

8. In the E & R Amendments, AM5368, strike amendment 1.

Mr. Landis asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

(Amendments to Standing Committee amendments, AM2171)
1. On page 49, line 11, strike "five" and insert "ten".

UNANIMOUS CONSENT - Unbracket LB 377

Messrs. Wesely and Hall asked unanimous consent to unbracket LB 377. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

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

I move that the Chairperson of the Executive Board contact the Chairperson of the Forecast Board requesting that they jointly request a special meeting of the Forecast Board as permitted by Section 77-27,158 of the Nebraska statutes, for the purpose of reviewing current estimated receipts for fiscal years 87-88 and 88-89.

RESOLUTION

LEGISLATIVE RESOLUTION 346. Introduced by Withem, 14th District.

WHEREAS, resolution of the issue of school district reorganization is necessary so that the Legislature can focus on more important education policy issues such as school quality and financing and the relationship between the economy and the education system; and

WHEREAS, in 1987 a citizens ad hoc committee created pursuant to LR 180 made significant progress in resolving the divisive issue of school district reorganization; and

WHEREAS, during the legislative debate on the ad hoc committee bill, LB 940, a number of issues were raised concerning "affiliation" of Class I school districts; and

WHEREAS, continued study of the legal, technical, financial, and procedural issues related to affiliation is necessary to continue the progress made by the citizens ad hoc committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That an interim study on alternative school reorganization mechanisms shall be undertaken by the Education Committee of the Legislature.

2. That a task force composed of representatives of Class I school districts and receiving districts shall be established to investigate, negotiate, and resolve the legal, technical, financial, and procedural issues related to affiliation as an alternative method to provide for the high school education of students residing in Class I school districts.

3. That the study shall include, but not be limited to, consideration of the following issues:

(a) Procedures for formation of affiliation relationship;

(b) Methods for the accurate allocation and apportionment of elementary and secondary costs;

(c) Impact of affiliation on state aid distribution;

(d) Political rights of residents of Class I districts which choose to affiliate; and

(e) Provisions to address the assumptions of new or previously existing indebtedness for secondary facilities.

4. That the task force shall make a report to the Education Committee of the Legislature by October 1, 1988.

5. That the ad hoc 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 294. The pending V. Johnson amendment, AM2366, found in the Journal on page 1210 and considered in this day's Journal was renewed.

Mr. Landis 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. V. Johnson moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Johnson, V.	McFarland	Nelson	Schmit
Chizek	Labedz	Miller	Remmers	Weihing
Dierks	Landis	Moore	Schellpeper	Wesely
Hartnett	Lynch	Morehead		

Voting in the negative, 17:

Baack	Conway	Hall	Korshoj	Smith
Beyer	Coordsen	Hannibal	Lamb	Wehrbein
Campbell	Elmer	Hefner	Langford	Withem
Chambers	Goodrich			

Present and not voting, 9:

Ashford	Higgins	Marsh	Rogers	Warner
Barrett	Johnson, L.	Peterson	Scofield	

Absent and not voting, 1:

Pirsch

Excused and not voting, 4:

Bernard-Stevens	Haberman	Johanns	Johnson, R.

The V. Johnson amendment lost with 18 ayes, 17 nays, 9 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were 14 fourth grade students and teacher from Osgood Elementary School, North Platte; Beth McMahon and Kelly Socha from Westside High School, Omaha; and 54 fourth grade students, teachers, and sponsors from Cottonwood Elementary School, Omaha.

MOTION - Adjournment

Mr. McFarland moved to adjourn until Monday, March 21, 1988, at 9:00 a.m.

Mr. Hall requested a record vote on the motion to adjourn.

Voting in the affirmative, 26:

Abboud	Conway	Hefner	McFarland	Schmit
Ashford	Coordsen	Korshoj	Morehead	Scofield
Baack	Elmer	Lamb	Peterson	Smith
Barrett	Goodrich	Langford	Remmers	Wehrbein
Beyer	Hannibal	Marsh	Schellpeper	Withem
Campbell				

Voting in the negative, 10:

Chizek	Hall	Johnson, L.	Lynch	Nelson
Dierks	Hartnett	Johnson, V.	Moore	Rogers

Present and not voting, 9:

Chambers	Labedz	Miller	Warner	Wesely
Higgins	Landis	Pirsch	Weihing	

Excused and not voting, 4:

Bernard-Stevens	Haberman	Johanns	Johnson, R.

The motion to adjourn prevailed with 26 ayes, 10 nays, 9 present and not voting, and 4 excused and not voting, and at 4:12 p.m., on a motion by Mr. McFarland, the Legislature adjourned until 9:00 a.m., Monday, March 21, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 21, 1988

LEGISLATIVE JOURNAL

FORTY-EIGHTH DAY - MARCH 21, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 21, 1988

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Steve Gilchrist, First Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. R. Johnson who was excused; and Messrs. Abboud, Ashford, Baack, Conway, Haberman, Hall, V. Johnson, Landis, Lynch, McFarland, Wesely, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Seventh Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 325.

RESOLUTION

LEGISLATIVE RESOLUTION 337. Read. Considered.

Mrs. Campbell asked unanimous consent to have her name added as co-introducer to LR 337. No objections. So ordered.

LR 337 was adopted with 23 ayes, 0 nays, and 26 not voting.

GENERAL FILE

LEGISLATIVE BILL 764A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 391. Title read. Considered.

Standing Committee amendment, AM2314, found in the Journal on page 1170 for the Thirty-Eighth Day was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1091. Title read. Considered.

Standing Committee amendment, AM2351, found in the Journal on page 1199 for the Thirty-Ninth Day was considered.

Mr. Warner renewed his pending amendment, AM2502, found in the Journal on page 1393 to the Standing Committee amendments.

The Warner amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Messrs. Hefner, Hannibal, and Lamb offered the following amendment to the Standing Committee amendment:
AM2625

(Amendments to Standing Committee amendments, AM2351)

1. On page 2, lines 9 and 14, strike "Tax Commissioner" and insert "State Treasurer"; strike beginning with "The" in line 20 through "distribution" in line 21 and insert "The State Treasurer shall first distribute the amount provided for in subsection (2) of this section as follows: (a) To the school districts of Nebraska, as reimbursement for the dollar loss resulting from the injunction granted to the railroads in the discrimination lawsuit for tax year 1987, an amount

equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources, excluding bonded indebtedness, as determined by the Tax Commissioner; (b) to the cities, technical community colleges, and natural resources districts in Nebraska, as reimbursement for the dollar loss resulting from the injunction granted to the railroads in the discrimination lawsuit for tax year 1987, an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources as determined by the Tax commissioner; and (c) to the counties of Nebraska, as reimbursement for the dollar loss resulting from the injunction granted to the railroad and the car companies in the discrimination lawsuit for tax year 1987, an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources for Nebraska. Anticipated car company receipts are equal to the amount distributed during calendar year 1987 as determined by the Tax Commissioner. Any amount remaining shall be distributed"; and in line 24 after "state" insert ", except that such distribution to the political subdivisions identified in this section shall not exceed one percent of the total amount lost as determined by this section".

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

SPEAKER BARRETT PRESIDING

Ms. Scofield moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Ms. Scofield requested a roll call vote on the Hefner-Hannibal-Lamb amendment.

Voting in the affirmative, 23:

Abboud	Campbell	Haberman	Johanns	Landis
Ashford	Chambers	Hannibal	Johnson, L.	Peterson
Barrett	Coordsen	Hartnett	Korshoj	Remmers
Beyer	Elmer	Hefner	Lamb	Rogers

Schellpeper Warner Withem

Voting in the negative, 21:

Baack	Goodrich	McFarland	Nelson	Smith
Bernard-Stevens	Hall	Miller	Pirsch	Wehrbein
Chizek	Labedz	Moore	Schmit	Weihing
Conway	Lynch	Morehead	Scofield	Wesely
	Marsh			

Present and not voting, 2:

Dierks Langford

Excused and not voting, 3:

Higgins Johnson, R. Johnson, V.

The Hefner-Hannibal-Lamb amendment was adopted with 23 ayes, 21 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 6 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 30 ayes, 6 nays, 9 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mesdames Johanns, Campbell, Messrs. Withem, and Schmit asked unanimous consent to print the following amendment to LB 1008 in the Journal. No objections. So ordered.

AM2570

1. Strike original section 10 and insert the following new sections:

"Sec. 6. (1) The Department of Motor Vehicles shall adopt and promulgate rules and regulations establishing minimum standards of vision for persons applying for operator's licenses or permits pursuant to section 60-407. The department shall not issue any operator's license or permit provided for in section 60-407 unless the person applying for such license or permit meets the minimum standards of vision established by the department pursuant to this section.

(2) The rules and regulations adopted and promulgated pursuant to this section shall include standards for the application, training, and drive test requirements for persons who use bioptic telescopic devices to drive. Persons who use such devices shall renew their operator's licenses annually. The rules and regulations relating to bioptic telescopic devices shall at a minimum provide that the visual acuity as measured through the carrier lens shall be at least 20/100. Visual acuity as measured through the telescopic lens shall be at least 20/40. Field of vision requirements for persons using bioptic telescopic devices shall be measured through the carrier lens. For persons using bioptic telescopic devices the provisions of section 60-409 relating to reduction of fees shall not apply.

Sec. 12. Sections 1 to 5, 7 to 11, and 13 of this act shall become operative on January 1, 1989, the remaining sections shall become operative on their effective date.".

2. Renumber the remaining sections accordingly.

3. In the E & R amendments, AM5363, on page 1, line 6, strike "3 and 6" and insert "3, 6, and 7"; and in line 16 strike "6" and insert "7".

GENERAL FILE

LEGISLATIVE BILL 1091A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 846. Title read. Considered.

Standing Committee amendments, AM2257, found in the Journal on page 1171 for the Thirty-Eighth Day were considered.

Mr. Hall renewed his pending amendment, AM2464, found in the Journal on page 1342 to the Standing Committee amendments.

Mr. McFarland 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. Hall moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Chambers	Haberman	Labedz	Marsh	Schellpeper
Chizek	Hall	Lamb	McFarland	Schmit
Conway	Hartnett	Landis	Nelson	Wesely
Dierks	Korshoj	Lynch	Pirsch	Withem

Voting in the negative, 23:

Abboud	Coordsen	Johanns	Peterson	Smith
Baack	Elmer	Johnson, L.	Remmers	Warner
Barrett	Goodrich	Langford	Rogers	Wehrbein
Beyer	Hannibal	Miller	Scofield	Weihing
Campbell	Hefner	Moore		

Present and not voting, 4:

Ashford	Bernard-Stevens	Higgins	Morehead

Excused and not voting, 2:

Johnson, R. Johnson, V.

The Hall amendment lost with 20 ayes, 23 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendments were adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Hartnett asked unanimous consent to be excused until he returns. 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.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 855. Placed on Select File as amended.
E & R amendments to LB 855:
AM5412

1. In the Ashford amendment, AM2563, adopted March 17, 1988:

a. On page 1, strike beginning with "passage" in line 2 through "act" in line 3 and insert "enactment of this legislative bill"; in line 8 strike "three" and insert "six"; strike beginning with "sections" in line 9 through "act" in line 10 and insert "such bill"; in line 11 strike "revenues" and insert "revenue"; and in line 17 strike "and" and after "1990" insert an underscored comma; and

b. On page 2, line 2, strike "removal of this tax" and insert "elimination of the premium tax on non-tax-qualified annuities"; in line 12 strike the paragraphing and "Sec. 3."; in line 13 strike "section 2 of this act" and insert "this section"; and in line 14 strike "accordance with" and insert "the same manner as provided in".

2. On page 1, line 1, strike "revenue and taxation" and insert "insurance companies"; in line 4 after the semicolon insert "to provide for an assessment;"; and in line 6 after the semicolon insert "to provide an operative date;".

3. Renumber the remaining sections accordingly.

(Signed) Scott Moore, Chairperson

MESSAGES FROM THE GOVERNOR

March 21, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 & Parks Commission, requiring legislative confirmation.

Appointee: J. Alan Cramer, Box 428, Wayne, NE 68787, work: 375-4479.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

March 21, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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: Vernon H. Pearson, R.R. 2, Box 58, Shickley, NE 68436, work: 627-4935.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR

Governor

KAO:sk

March 21, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Foster Care Review Board, requiring legislative confirmation.

Appointee: Richard F. Forrestor, 100 Rapcon Hill, Bellevue, NE 68005, work: 291-3644.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

March 21, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Foster Care Review Board, requiring legislative confirmation.

Appointee: Deborah McBride, 5707 S. 25th St., Lincoln, NE 68512, work: 476-2164.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

March 21, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Public Employees Retirement Board, requiring legislative confirmation.

Appointee: Judge Harry A. Spencer, 1500 Crestview Drive, Lincoln, NE 68506, work: 471-2095.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 457 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2582.)

GENERAL FILE

LEGISLATIVE BILL 1235. Title read. Considered.

Standing Committee amendments, AM2280, found in the Journal on page 1122 for the Thirty-Seventh Day were considered.

Messrs. Beyer, Peterson, Schmit, Korshoj, Mesdames Johanns, and Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendments were adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

VISITORS

Visitors to the Chamber were 60 high school students from the Citizenship Seminar; a 4-H group and sponsor from Sarpy County; 19 seniors and teacher from Rising City Public School; 14 students from Kearney State College; and Chaneda Kacantana from Thailand.

RECESS

At 12:15 p.m., on a motion by Mr. Weihing, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson and Schellpeper who were excused; and Messrs. Ashford, Chambers, V. Johnson, Landis, McFarland, Schmit, Mesdames Higgins, and Johanns who were excused until they arrive.

PRESIDENT NICHOL PRESIDING

WITHDRAW - Amendment to LB 933

Mr. Remmers withdrew his pending amendment, AM2408, found in the Journal on page 1217 to LB 933.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 933.

A BILL FOR AN ACT relating to liens; to amend sections 23-1527, 52-1001 to 52-1004, 52-1006, and 52-1007, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1517.02 and 52-1008, Revised Statutes Supplement, 1986; to change provisions relating to federal tax liens; to provide for the filing of liens for federal obligations; to increase a fee; to rename an 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, 39:

Abboud	Conway	Hartnett	Marsh	Rogers
Baack	Coordsen	Hefner	Miller	Scofield
Barrett	Dierks	Johnson, L.	Moore	Smith
Bernard-Stevens	Elmer	Korshoj	Morehead	Warner
Beyer	Goodrich	Labedz	Nelson	Wehrbein
Campbell	Haberman	Lamb	Peterson	Weihing
Chizek	Hall	Langford	Pirsch	Wesely
	Hannibal	Lynch	Remmers	Withem

Voting in the negative, 0.

Excused and not voting, 10:

Ashford	Higgins	Johnson, R.	Landis	Schellpeper
Chambers	Johanns	Johnson, V.	McFarland	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 1038.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302.03, 60-311.05, and 60-311.07, Reissue Revised Statutes of Nebraska, 1943; to authorize amateur radio station license plates for self-propelled mobile homes; to eliminate a fine for a continuing violation of operation of an unregistered vehicle; and to repeal the original sections.

Whereupon the 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	Conway	Hefner	McFarland	Rogers
Baack	Coordsen	Johnson, L.	Miller	Scofield
Barrett	Dierks	Johnson, V.	Moore	Smith
Bernard-Stevens	Elmer	Korshoj	Morehead	Warner
	Goodrich	Labedz	Nelson	Wehrbein
Beyer	Haberman	Lamb	Peterson	Weihing
Campbell	Hall	Langford	Pirsch	Wesely
Chambers	Hannibal	Lynch	Remmers	Withem
Chizek	Hartnett	Marsh		

Voting in the negative, 0.

Excused and not voting, 7:

Ashford	Johanns	Landis	Schellpeper	Schmit
Higgins	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1054.

A BILL FOR AN ACT relating to prison sentences; to amend section 83-1,106, Reissue Revised Statutes of Nebraska, 1943; to require credit for time spent in custody as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Conway	Hefner	Marsh	Rogers
Baack	Coordsen	Johnson, L.	McFarland	Scofield
Barrett	Dierks	Johnson, V.	Miller	Smith
Bernard-Stevens	Elmer	Korshoj	Moore	Warner
Beyer	Goodrich	Labedz	Morehead	Wehrbein
Campbell	Haberman	Lamb	Nelson	Weihing
Chambers	Hall	Langford	Pirsch	Wesely
Chizek	Hannibal	Lynch	Remmers	Withem
	Hartnett			

Voting in the negative, 0.

Present and not voting, 3:

Higgins	Peterson	Schmit

Excused and not voting, 5:

Ashford	Johanns	Johnson, R.	Landis	Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1077.

A BILL FOR AN ACT relating to schools; to authorize the leasing of school district property as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Chizek	Hannibal	Lamb	Nelson
Baack	Conway	Hartnett	Langford	Peterson
Barrett	Coordsen	Hefner	Lynch	Pirsch
Bernard-Stevens	Dierks	Higgins	Marsh	Remmers
Beyer	Elmer	Johnson, L.	McFarland	Rogers
Campbell	Goodrich	Johnson, V.	Miller	Schmit
Chambers	Haberman	Korshoj	Moore	Scofield
	Hall	Labedz	Morehead	Smith

Warner	Wehrbein	Weihing	Wesely	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Ashford	Johanns	Johnson, R.	Landis	Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1078.

A BILL FOR AN ACT relating to drainage districts; to amend sections 31-409 and 31-409.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the election of directors; to provide for precinct elections 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, 42:

Abboud	Conway	Higgins	McFarland	Rogers
Baack	Coordsen	Johnson, L.	Miller	Schmit
Barrett	Dierks	Johnson, V.	Moore	Scofield
Bernard-Stevens	Elmer	Korshoj	Morehead	Smith
	Goodrich	Labedz	Nelson	Warner
Beyer	Haberman	Lamb	Peterson	Wehrbein
Campbell	Hall	Langford	Pirsch	Weihing
Chambers	Hannibal	Lynch	Remmers	Withem
Chizek	Hefner	Marsh		

Voting in the negative, 0.

Present and not voting, 2:

Hartnett	Wesely

Excused and not voting, 5:

Ashford	Johanns	Johnson, R.	Landis	Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1093 to Select File

Messrs. Hefner, Withem, and Landis moved to return LB 1093 to Select File for the following specific amendment:
AM2569

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Section 1. Whenever any person who is thirteen years of age or older and younger than nineteen years of age is convicted or adjudicated of a violation of section 28-416 or sections 53-180.01 to 53-180.05, the court in which the person is convicted or adjudicated shall, as part of such person's punishment, issue an order suspending such person's driving privileges for ninety days for the first such offense and for one year for the second or subsequent offense. If the person so convicted or adjudicated has a motor vehicle operator's license or permit issued pursuant to section 60-407, such license or permit shall be suspended for the time period prescribed in this section. If the person so convicted does not have such a license or permit, his or her eligibility for such license or permit shall be suspended for the time period prescribed in this section. The court shall notify the Department of Motor Vehicles of any such suspension within twenty-four hours of the issuance of the order. Any license or permit suspended pursuant to this section may be reinstated in the manner prescribed in section 60-505.02 for reinstatement of a suspended license or registration.".

2. On page 1, line 2, after the semicolon insert "to authorize the suspension of driving privileges for certain juveniles as prescribed;".

3. Renumber remaining sections accordingly.

Mr. V. Johnson requested a ruling of the Chair on whether the Hefner-Withem-Landis amendment is germane to the bill.

The Chair ruled the Hefner-Withem-Landis amendment is not germane to the bill.

Mr. Hefner challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Hefner withdrew his motion to overrule the Chair.

Mr. Hefner moved to suspend the rules, Rule 7, Section 3(D).

Mr. Lynch asked unanimous consent to be excused until he returns. 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. Haberman requested a roll call vote on the Hefner motion to suspend the rules.

Voting in the affirmative, 29:

Abboud	Dierks	Johnson, L.	Miller	Rogers
Baack	Elmer	Labedz	Moore	Warner
Beyer	Goodrich	Lamb	Morehead	Wehrbein
Campbell	Haberman	Landis	Nelson	Wesely
Chizek	Hannibal	Langford	Peterson	Withem
Conway	Hefner	Marsh	Pirsch	

Voting in the negative, 13:

Chambers	Hartnett	Korshoj	Schmit	Smith
Coordsen	Higgins	McFarland	Scofield	Weihing
Hall	Johnson, V.	Remmers		

Present and not voting, 3:

Ashford	Barrett	Bernard-Stevens

Excused and not voting, 4:

Johanns	Johnson, R.	Lynch	Schellpeper

The Hefner motion to suspend the rules lost with 29 ayes, 13 nays, 3 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 1093.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-407, Revised Statutes Supplement, 1987; to change a provision relating to limited school permits; and to repeal the original section.

Whereupon the 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	Chizek	Hartnett	Marsh	Rogers
Ashford	Conway	Hefner	McFarland	Schmit
Baack	Coordsen	Johnson, L.	Miller	Scofield
Barrett	Dierks	Johnson, V.	Moore	Smith
Bernard-Stevens	Elmer	Korshoj	Morehead	Warner
	Goodrich	Labedz	Nelson	Wehrbein
Beyer	Haberman	Lamb	Peterson	Weihing
Campbell	Hall	Landis	Pirsch	Wesely
Chambers	Hannibal	Langford	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 4:

Johanns	Johnson, R.	Lynch	Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1114.

A BILL FOR AN ACT relating to insurance; to amend section 44-3904, Revised Statutes Supplement, 1986; to change a provision

relating to continuing education requirements; and to repeal the original section.

Whereupon the 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	Conway	Hefner	Marsh	Rogers
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Dierks	Johnson, V.	Miller	Scofield
Barrett	Elmer	Korshoj	Moore	Smith
Bernard-Stevens	Goodrich	Labedz	Morehead	Warner
	Haberman	Lamb	Nelson	Wehrbein
Beyer	Hall	Landis	Peterson	Weihing
Campbell	Hannibal	Langford	Pirsch	Wesely
Chambers	Hartnett	Lynch	Remmers	Withem
Chizek				

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 3:

Johanns Johnson, R. Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1130.

A BILL FOR AN ACT relating to wages; to amend sections 48-1229 and 48-1230, Reissue Revised Statutes of Nebraska, 1943; to include political subdivisions in the Nebraska Wage Payment and Collection Act; to provide for the payment of wages upon separation of certain employees from a payroll; and to repeal the original sections.

Whereupon the 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	Conway	Hefner	Lynch	Rogers
Ashford	Coordsen	Higgins	Marsh	Schmit
Baack	Dierks	Johnson, L.	McFarland	Scofield
Barrett	Elmer	Johnson, V.	Miller	Smith
Bernard-Stevens	Goodrich	Korshoj	Moore	Warner
	Haberman	Labedz	Morehead	Wehrbein
Beyer	Hall	Lamb	Nelson	Weihing
Campbell	Hannibal	Landis	Pirsch	Wesely
Chambers	Hartnett	Langford	Remmers	Withem
Chizek				

Voting in the negative, 0.

Present and not voting, 1:

Peterson

Excused and not voting, 3:

Johanns Johnson, R. Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1142.

A BILL FOR AN ACT relating to schools; to amend sections 10-209, 79-312.01, 79-401, 79-488.05, 79-801, 79-901, 79-1001, 79-1032, 79-1033, 79-1040, 79-2203, 79-2305, and 79-2307, Reissue Revised Statutes of Nebraska, 1943, and section 32-223, Revised Statutes Supplement, 1986; to provide a uniform method for designating school districts; to change a provision relating to the sale of school vehicles; to eliminate the position of physician to the Nebraska School for the Deaf; to harmonize provisions; and to repeal the original sections, and also section 79-1905, 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	Conway	Hefner	Marsh	Rogers
Ashford	Coordsen	Higgins	McFarland	Schmit
Baack	Dierks	Johnson, L.	Miller	Scofield
Barrett	Elmer	Johnson, V.	Moore	Smith
Bernard-Stevens	Goodrich	Korshoj	Morehead	Warner
Beyer	Haberman	Labedz	Nelson	Wehrbein
Campbell	Hall	Lamb	Peterson	Weihing
Chambers	Hannibal	Landis	Pirsch	Wesely
Chizek	Hartnett	Lynch	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 3:

Johanns Johnson, R. Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT NICHOL PRESIDING

LEGISLATIVE BILL 1146. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-145, Revised Statutes Supplement, 1986, and section 48-146, Revised Statutes Supplement, 1987; to change provisions relating to self-insurance; to provide for treatment of instruments evidencing self-insurance; 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 Ashford Baack Barrett

Bernard-Stevens	Elmer	Johnson, V.	Miller	Schmit
Beyer	Goodrich	Korshoj	Moore	Scofield
Campbell	Haberman	Labedz	Morehead	Smith
Chambers	Hall	Lamb	Nelson	Warner
Chizek	Hannibal	Landis	Peterson	Wehrbein
Conway	Hartnett	Langford	Pirsch	Weihing
Coordsen	Hefner	Lynch	Remmers	Wesely
Dierks	Higgins	Marsh	Rogers	Withem
	Johnson, L.	McFarland		

Voting in the negative, 0.

Excused and not voting, 3:

Johanns Johnson, R. Schellpeper

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 1157 to Select File

Mr. Landis moved to return LB 1157 to Select File for the following specific amendment:
AM2663

(Amendments to Final Reading copy)

1. On page 7, after line 15, insert the following new subsection:

"(6)(a) A unit investment trust, as that term is defined in the Investment Company Act of 1940, may elect to register an indefinite amount of securities for a registration period of one year or less under a registration statement if the following conditions are met:

(i) A unit investment trust registrant electing to register an indefinite amount of securities shall pay an initial fee of one hundred dollars with the application for registration;

(ii) Within sixty calendar days after the occurrence of the earlier of (A) the expiration of the trust's registration period, (B) the termination of the offering by the registrant, or (C) one hundred twenty calendar days after the completion of the offering, each trust shall file a sales report containing the total

aggregate offering price of the securities sold in this state for the registration period just expired or terminated; and

(iii) If the sales report required by subdivision (6)(a)(ii) of this section shows that the trust sold securities in excess of the amount of securities for which the registration fee was paid, the trust shall pay an additional registration fee of one-tenth of one percent of the aggregate offering price of the excess securities sold. The initial fee of one hundred dollars shall be deducted from the fee paid pursuant to this subsection. If this calculation results in a negative amount, no payment need be made and no credit or refund shall be allowed or returned for that negative amount.

(b) Failure to file the sales report and the fee specified in this subsection shall be cause for the issuance of a stop order."; and in line 16 strike "(6)" and insert "(7)".

2. On page 8, line 2, strike "(7)" and insert "(8)".

The Landis motion to return prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1157. The Landis specific amendment, AM2663, found in this day's Journal was adopted with 35 ayes, 0 nays, 11 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 1159.

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-514.02, Reissue Revised Statutes of Nebraska, 1943; to authorize additional fire protection services as prescribed; to authorize certain charges for such 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, 41:

Abboud	Conway	Higgins	Lynch	Remmers
Ashford	Coordsen	Johnson, L.	Marsh	Rogers
Baack	Dierks	Johnson, V.	McFarland	Scofield
Barrett	Elmer	Korshoj	Miller	Smith
Bernard-Stevens	Goodrich	Labedz	Morehead	Warner
	Hall	Lamb	Nelson	Weihing
Beyer	Hannibal	Landis	Peterson	Wesely
Campbell	Hartnett	Langford	Pirsch	Withem
Chizek	Hefner			

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Haberman	Moore	Schmit	Wehrbein

Excused and not voting, 3:

Johanns	Johnson, R.	Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1169.

A BILL FOR AN ACT relating to retirement systems; to amend sections 23-2313 and 84-1315, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to annual reports; to eliminate certain annual report requirements; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Conway	Hefner	Marsh	Remmers
Ashford	Coordsen	Higgins	McFarland	Rogers
Baack	Dierks	Johnson, L.	Miller	Scofield
Barrett	Elmer	Johnson, V.	Moore	Smith
Bernard-Stevens	Goodrich	Korshoj	Morehead	Warner
	Haberman	Lamb	Nelson	Weihing
Beyer	Hall	Landis	Peterson	Wesely
Campbell	Hannibal	Langford	Pirsch	Withem
Chizek	Hartnett	Lynch		

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Labedz	Schmit	Wehrbein

Excused and not voting, 3:

Johanns	Johnson, R.	Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1193.

A BILL FOR AN ACT relating to schools; to amend sections 79-810 and 79-903, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to budgets 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	Chizek	Hannibal	Landis	Nelson
Ashford	Conway	Hartnett	Langford	Peterson
Baack	Coordsen	Hefner	Lynch	Pirsch
Barrett	Dierks	Johnson, L.	Marsh	Remmers
Bernard-Stevens	Elmer	Johnson, V.	McFarland	Rogers
	Goodrich	Korshoj	Miller	Scofield
Beyer	Haberman	Labedz	Moore	Smith
Campbell	Hall	Lamb	Morehead	Warner

Weihing Wesely Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers Higgins Schmit Wehrbein

Excused and not voting, 3:

Johanns Johnson, R. Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1197.

A BILL FOR AN ACT relating to schools; to amend section 79-101, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to require certain school districts to offer a kindergarten program; and to repeal the original section.

Whereupon the 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	Conway	Hefner	Lynch	Remmers
Ashford	Coordsen	Higgins	Marsh	Rogers
Baack	Dierks	Johnson, L.	McFarland	Scofield
Barrett	Elmer	Johnson, V.	Miller	Smith
Bernard-Stevens	Goodrich	Korshoj	Moore	Warner
	Haberman	Labedz	Morehead	Wehrbein
Beyer	Hall	Lamb	Nelson	Weihing
Campbell	Hannibal	Landis	Peterson	Wesely
Chizek	Hartnett	Langford	Pirsch	Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers Schmit

Excused and not voting, 3:

Johanns Johnson, R. Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1220 to Select File

Messrs. Landis, Conway, and Remmers moved to return LB 1220 to Select File for the following specific amendment:
AM2664

(Amendments to Final Reading copy)

1. On page 1, line 2, strike "section 44-309" and insert "sections 44-309, 44-4303, 44-4313, and 44-4320"; in line 4 after the semicolon insert "to redefine a term; to change a provision relating to the computation of annual payments to the Department of Insurance and the disposition of the proceeds;"; and in line 5 strike "section" and insert "sections".

2. Insert the following new sections:

"Sec. 2. That section 44-4303, Revised Statutes Supplement, 1987, be amended to read as follows:

44-4303. As used in the Intergovernmental Risk Management Act, unless the context otherwise requires:

(1) Errors and omissions liability shall mean liability to which a member of a governing body of a public agency, an elected or appointed officer of a public agency, or an employee of a public agency may be subject in an individual capacity by reason of any error, misstatement, misleading statement, act, omission, neglect of duty, or breach of duty, including misfeasance or nonfeasance, in the performance of duties for the public agency;

(2) General liability shall mean any liability, other than workers' compensation liability, to which a public agency may be subject (a) directly, (b) by reason of liability arising out of an act or omission of its employee, agent, or officer in the course and scope of employment, (c) by reason of liability arising out of an act or omission of its student in the course and scope of education or

training, or (d) by reason of liability it has assumed by contract. It shall include, but not be limited to, liability commonly protected against by casualty insurance, general liability insurance, professional liability insurance, automobile insurance, motor vehicle liability insurance, and surety and fidelity insurance;

(3) Group self-insurance shall mean the pooling of public money by a risk management pool from contributions by its members for the purpose of payment of losses incurred by members which are protected against by the pool;

(4) Member shall mean a public agency which is a party to an agreement providing for the establishment and operation of a risk management pool;

(5) Public agency shall mean any county, city, village, school district, public power district, rural fire district, or other political subdivision of this state, the State of Nebraska, the University of Nebraska, and any corporation whose primary function is to act as an instrumentality or agency of the State of Nebraska;

(6) Risk management pool or pool shall mean an association formed by two or more public agencies by an agreement pursuant to the Intergovernmental Risk Management Act providing for joint and cooperative action in the use of their financial or administrative resources in order to accomplish any of the public and governmental purposes authorized by the act;

(7) Standard insurance shall mean any policy of insurance issued by a company ~~authorized~~ licensed to transact insurance business in the State of Nebraska or any policy of insurance issued in accordance with the requirements for a lawful surplus lines insurance transaction;

(8) State of Nebraska shall include any department, agency, board, bureau, commission, or council of the State of Nebraska authorized to participate in a risk management pool by the Risk Manager pursuant to section 81-8,239.01; and

(9) Workers' compensation liability shall mean liability to which a public agency may be subject as an employer under the Nebraska Workers' Compensation Act.

Sec. 3. That section 44-4313, Revised Statutes Supplement, 1987, be amended to read as

follows:

44-4313. The capital, surplus, and other funds, or any part thereof, of any risk management pool may be invested as authorized ~~for investments by domestic insurance companies in section 44-309~~ in Chapter 44, article 3, for any domestic insurance company other than a legal reserve life insurance company.

Sec. 4. That section 44-4320, Revised Statutes Supplement, 1987, be amended to read as follows:

44-4320. Every risk management pool shall pay to the Director of Insurance, on or before March 1 of each year, an amount equal to one percent of the prevailing premium rate which would be paid for all policies of insurance to insure workers' compensation risks and one percent of annual contributions ~~paid by the pool's members~~ received by the pool during the immediately preceding calendar year for coverage of all other risks included within the pool's group self-insurance program. A pool which has a scheme of operations that contemplates a return of a portion of the contributions of pool members without such members being claimants under the pool's insuring agreements may deduct such return contributions from the pool's contributions for the purpose of calculating the amount due. The computation of such amount shall be made on forms furnished by the Department of Insurance which shall be filed with the department together with a sworn statement by the pool's chief operating officer attesting to the accuracy of the computation. The department shall furnish such forms to each pool prior to the end of the year for which such amount is payable together with any information relative to computation of the amount as may be necessary. Upon receipt of payment, the director shall audit and examine the computations and satisfy himself or herself that the amount paid is in conformity with this section. The director shall transmit such payments to the State Treasurer. One-half of the payments shall be handled in the manner prescribed in section 77-913 and the remaining one-half of such payments shall be deposited in the General Fund promptly upon completion of the director's audit and examination, and in no event later

than May 1 of each year.".

3. On page 27, line 1, strike "section 44-309" and insert "sections 44-309, 44-4303, 44-4313, and 44-4320"; and in line 2 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Landis-Conway-Remmers motion to return prevailed with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1220. The Landis-Conway-Remmers specific amendment, AM2664, found in this day's Journal was adopted with 28 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor appointments.

Nebraska Retirement Systems
Judge Harry A. Spencer - Public Employees Retirement Board

Health and Human Services
Richard F. Forrestor - Foster Care Review Board
Deborah McBride - Foster Care Review Board

Natural Resources
J. Alan Cramer - Game and Parks Commission
Vernon H. Pearson - Environmental Control Council

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE RESOLUTION 249CA. Mr. Hannibal withdrew his pending motion found in the Journal on page 1340 to indefinitely postpone.

Pending.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 933, 1038, 1054, 1077, 1078, 1093, 1114, 1130, 1142, 1146, 1159, 1169, 1193, and 1197.

GENERAL FILE

LEGISLATIVE RESOLUTION 249CA. Considered.

Messrs. Lynch and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

Mr. V. Johnson offered the following amendment:
On page 1, strike lines 16 and 17.
On page 2, line 1, strike "franchises, except that: (1)"
On page 2, strike lines 18-25.
On page 3, line 1, strike new material.
On page 4, strike lines 10-20 and insert:
"A constitutional amendment that repeals the uniformity clause of the Nebraska Constitution."

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. V. Johnson withdrew his pending amendment.

SPEAKER BARRETT PRESIDING

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 11 nays, and 20 not voting.

Mr. Remmers asked unanimous consent to be excused. No objections. So ordered.

Pending.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in executive session on Tuesday, March 22, 1988, upon adjournment in Room 1003.

MESSAGE FROM THE GOVERNOR

March 18, 1988

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

Nebraska Tax Commissioner, John M. Boehm, 3120 Orvell, Lincoln, NE 68516, work: 423-5900.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 21, 1988, at 4:05 p.m., were the following bills: 933, 1038, 1054, 1077, 1078, 1093, 1114, 1130, 1142, 1146, 1159, 1169, 1193, and 1197.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Messrs. Hartnett and Withem asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM2665

(Amendments to AM2608)

1. On page 1, strike lines 3 through 8 and insert "insert 'For purposes of this subsection, plat and replat shall apply only to (a) vacant land, (b) land under cultivation, or (c) any plat or replat of land involving a substantive change in the size or configuration of any lot or lots.'.".

Messrs. Hannibal, Hall, V. Johnson, Wesely, Lamb, and Mrs. Labedz asked unanimous consent to print the following amendment to LB 1105 in the Journal. No objections. So ordered.

AM2339

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Sec. 6. That section 77-3523, Revised Statutes Supplement, 1987, be amended to read as follows:

77-3523. The county treasurer shall, on or before November 30 of each year, certify to the Tax Commissioner, for tax year 1988 and each tax year thereafter, ninety-five ~~: (1) For tax year 1986, ninety~~ percent of the tax revenue that will be lost to all taxing agencies within his or her county from taxes levied and assessed in that year because of exemptions allowed under Chapter 77, article 35. ~~; and (2) for tax year 1987 and each tax year thereafter, the total tax revenue that will be lost to all taxing agencies within his or her county from taxes levied and assessed in that year because of exemptions allowed under Chapter 77, article 35.~~ The county treasurer may amend the

certification to show any change or correction in the total tax that will be lost until May 30 of the next succeeding year. The Tax Commissioner shall, on or before January 1 next following such certification or within thirty days of any amendment to the certification, notify the Director of Administrative Services of the amount so certified to be reimbursed by the state. Reimbursement of the funds lost shall be made to each county according to the certification and shall be distributed in six as nearly as possible equal monthly payments on the last business day of each month beginning in January. The State Treasurer shall, on the business day preceding the last business 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, on the last business day of each month, draw warrants against funds appropriated. Out of the amount so received the county treasurer shall distribute to each of the taxing agencies within his or her county, for tax year 1988 and each tax year thereafter, ninety-five ~~: (a) For tax year 1986, ninety~~ percent of the amount so lost by such agency, ~~; and (b) for tax year 1987 and each tax year thereafter, the full amount so lost by such agency,~~ except that one percent of such amount shall be deposited in the county general fund and that the mount due a Class V school district shall be paid to the district and the county shall be compensated pursuant to section 14-554. Each taxing agency shall, in preparing its annual budget, take into account the amount to be received under this section.".

2. On page 1, line 4, strike "and" and after the second comma insert "and 77-3523,"; and in line 8 after the semicolon insert "to change a provision relating to reimbursement for lost revenue;".

3. On page 3, strike line 18 and insert:

"0 through 10,100	100
10,101 through 10,350	80
10,351 through 10,600	60
10,601 through 10,850	40
10,851 through 11,100	20".

4. On page 5, line 11, strike "10,400" and insert "10,100"; and after line 11 insert:

"10,101 through 10,350	80

10,351 through 10,600	60
10,601 through 10,850	40
10,851 through 11,100	20".

5. On page 8, line 10, strike "and" and after the last comma insert "and 77-3523,".

6. Renumber the remaining sections accordingly.

Mr. Hannibal asked unanimous consent to print the following amendment to LB 1105A in the Journal. No objections. So ordered.

AM2652

(Amendments to Final Reading copy)

1. On page 2, line 2, strike "$1,600,000" and insert "$545,298"; and in line 3 strike "$1,680,000" and insert "$567,109".

Mr. Hall asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2661.)

MESSAGE FROM THE GOVERNOR

March 21, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 901, 903, 909, 912, 929, 948, 958, 969, 970, 973, 977, 984, 1033 and 1034 were received in my office on March 17, 1988.

These bills were signed by me on March 21, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Print in Journal

Mrs. Morehead asked unanimous consent to print the following amendment to LB 978 in the Journal. No objections. So ordered.

AM2659

1. Insert the following new sections:

"Section 1. That section 53-164.01, Revised Statutes Supplement, 1986, be amended to read as follows:

53-164.01. Payment of the tax provided for in section 53-160 on alcoholic liquors shall be paid by the manufacturer or distributor as ~~herein~~ provided in this section. All such manufacturers or distributors, except for farm winery producers, whether within or without this state, shall, on or before the twenty-fifth day of each calendar month commencing on the twenty-fifth day of the calendar month following the month in which the shipments are made, make a report under oath to the ~~Nebraska Liquor Control Commission~~ commission upon forms to be furnished by the commission for the purpose of showing the exact total amount in gallons of alcoholic liquors, or fractional parts thereof, shipped by such manufacturer or distributor, whether within or without the State of Nebraska, during the preceding calendar month. All beer distributors shall, on or before the twenty-fifth day of each calendar month following the month in which the shipments are made, make a report under oath to the commission upon forms furnished by the commission for the purpose of showing the exact total amount in gallons of beer, or fractional parts thereof, shipped by all manufacturers, whether within or without the State of Nebraska, during the preceding calendar month to such distributor. Farm winery producers shall, on or before the twenty-fifth day of each calendar month commencing on the twenty-fifth day of the calendar month following the month in which the wine is packaged or bottled for sale, make a report under oath to the ~~Nebraska Liquor Control Commission~~ commission upon forms furnished by the commission for the purpose of showing the exact total amount in gallons of wine, or fractional parts thereof, packaged or bottled by such producer during the preceding calendar month. Such report shall also contain a statement of the exact total amount in

gallons, or fractional parts thereof, of alcoholic liquors, except beer, shipped to holders of retailers' licenses within this state. All reports submitted by each manufacturer, distributor, or farm winery producer, as required by this section, shall contain such other information as the commission may require. The ~~manufacturer,~~ distributor~~,~~ or farm winery producer shall, at the time of the filing of the report, pay to the commission the amount of the tax due ~~on beer shipped to distributors within this state and~~ on alcoholic liquors, except beer, shipped to holders of retailers' licenses within this state at the rate fixed in accordance with section 53-160. The tax due on beer shall be paid by the distributor on beer shipped from all manufacturers. Such tax shall be due on the date the report is due, less a discount of one percent of such tax on alcoholic liquors~~, as defined by subdivision (6) of section 53-103.~~ Such discount shall be deducted from the payment of such tax before remittance ~~thereof~~ of the tax to the commission, shall be shown in such report to the commission as required in this section, and shall be a commission for the making of such report and for the timely payment of such tax, but if such tax is not paid within the time provided ~~herein~~ in this section, then such discount shall not be allowed and the ~~same~~ discount shall not be deducted from the payment of such tax.

A penalty of ten percent of the amount of the tax shall be collected by the commission if the report is not filed by the twenty-fifth day of the calendar month or if the tax is not paid to the commission by the twenty-fifth day of the calendar month, and in addition thereto interest on the tax shall be collected at the rate, of one percent per month, or fraction of a month, from the date the tax became due until paid.

No tax shall be levied or collected on alcoholic liquors manufactured within the State of Nebraska and shipped or transported outside the State of Nebraska for sale and consumption outside the State of Nebraska.

In order to insure the payment of all state taxes imposed by law on alcoholic liquors together with all interest and penalties thereon, all persons required to make reports and payment of such tax shall first

enter into a surety bond with corporate surety, both such bond form and surety to be approved by the commission. In lieu of such corporate surety bond, there may be filed a personal bond in such form as the commission may prescribe and secured by the pledge of property having a net value over and above any encumbrance or encumbrances thereon at least double the amount of the bond required. Subject to the limitations hereinafter specified, the amount of such bond required of any taxpayer shall be fixed by the commission and may be increased or reduced by it at any time. In fixing the amount, the commission shall require a bond in a total amount equal to the amount of the taxpayer's estimated maximum monthly excise tax, ascertained in such manner as the commission may deem proper. Nothing contained in this section shall be construed to prevent or prohibit the commission from accepting and approving bonds which run for a term longer than the license period. In any event, the amount of such bond required of any one taxpayer shall not be less than one thousand dollars. These bonds shall be filed with the commission.

No person shall order or receive alcoholic liquors in this state which have been shipped directly to him or her from outside this state by any person other than a holder of a permit for a license year issued by the commission. The commission may issue such permits to manufacturers which shall allow the permittee to ship alcoholic liquors to and only to holders of a distributor's license issued under this section. A fee of two hundred dollars shall be charged by the commission for each permit issued. The application for such permit and the permit shall be in such form as the commission shall prescribe. The application shall contain all such provisions as the commission shall deem proper and necessary to effectuate the purpose of any section of the Nebraska Liquor Control Act and the rules and regulations of the commission that apply to manufacturers and shall include, but without limitation by reason of this special mention, a provision that the permittee, in consideration of the issuance of a permit, agrees:

(1) To comply with and be bound by this section in the making and filing of a bond, the making

and filing of returns, the payment of taxes, penalties, and interest, and the keeping of records;

(2) That he or she will permit and be subject to all of the powers granted by this section to the commission or its duly authorized employees or agents for inspection and examination of his or her premises and records and will pay his or her actual expenses, excluding salary, reasonably attributable to such inspections and examinations made by duly authorized employees of the commission, if within the United States; and

(3) That if any such permittee violates any of the provisions of his or her application, ~~or of~~ any section of the Nebraska Liquor Control Act, or the rules and regulations of the commission that apply to manufacturers, the commission may revoke or suspend such permit for such period of time as it may determine.

When a manufacturer or distributor shall sell and deliver alcoholic liquor upon which the tax has been paid to any instrumentality of the armed forces of the United States engaged in resale activities as provided in section 53-160.01, the manufacturer or distributor shall be entitled to a credit in the amount of the tax paid upon such alcoholic liquor sold and delivered to such person or persons in the event no tax is due on such alcoholic liquor as provided in section 53-160.01, and the amount of the credit, if any, shall be deducted from the tax due on the following monthly report, as provided by this section to be filed, or shall be allowed as a credit on subsequent reports until liquidated.

Sec. 3. Sections 1 and 5 of this act shall become operative on September 1, 1988. The remaining sections of this act shall become operative on their effective date.

Sec. 5. That original section 53-164.01, Revised Statutes Supplement, 1986, is repealed.".

2. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE RESOLUTION 249CA. Considered.

MR. LANDIS PRESIDING

Mr. Wehrbein moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Wehrbein requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 27:

Abboud	Campbell	Hefner	Moore	Schmit
Baack	Conway	Korshoj	Morehead	Scofield
Barrett	Coordsen	Labedz	Nelson	Smith
Bernard-Stevens	Dierks	Lamb	Peterson	Wehrbein
Beyer	Elmer	Landis	Rogers	Weihing
	Haberman	Langford		

Voting in the negative, 7:

Hannibal	Johanns	Warner	Wesely	Withem
Hartnett	Johnson, V.			

Present and not voting, 7:

Chambers	Goodrich	Johnson, L.	Marsh	Miller
Chizek	Hall			

Excused and not voting, 8:

Ashford	Johnson, R.	McFarland	Remmers	Schellpeper
Higgins	Lynch	Pirsch		

Advanced to E & R for Review with 27 ayes, 7 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1226. Title read. Considered.

Standing Committee amendments, AM2125, found in the Journal on page 943 for the Thirty-First Day were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

SPEAKER BARRETT PRESIDING

Advanced to E & R for Review with 26 ayes, 12 nays, 4 present and not voting, and 7 excused and not voting.

Messrs. Beyer, Haberman, Abboud, and Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1217. Title read. Considered.

Standing Committee amendments, AM2106, printed separate from the Journal and referred to on page 1026 for the Thirty-Third Day were considered.

Mrs. Smith withdrew her pending amendments, AM2430, AM2428, and AM2429, found in the Journal on pages 1326 and 1327.

Mrs. Smith renewed her pending amendment, AM2525, found in the Journal on page 1349 to the pending Standing Committee amendments.

Mrs. Johanns moved the previous question. The question is, "Shall the debate now close?" The motion lost with 3 ayes, 11 nays, and 35 not voting.

Mr. Chizek asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Schmit requested a roll call vote on the Smith amendment.

Voting in the affirmative, 21:

Baack	Dierks	Johnson, L.	Moore	Smith
Barrett	Hannibal	Johnson, V.	Morehead	Warner
Campbell	Higgins	Korshoj	Nelson	Wehrbein
Conway	Johanns	Landis	Scofield	Withem
Coordsen				

Voting in the negative, 14:

Bernard-Stevens	Goodrich	Hefner	Lynch	Schmit
Elmer	Hall	Labedz	Miller	Weihing
	Hartnett	Lamb	Rogers	Wesely

Present and not voting, 2:

Chambers Peterson

Excused and not voting, 12:

Abboud	Chizek	Langford	McFarland	Remmers
Ashford	Haberman	Marsh	Pirsch	Schellpeper
Beyer	Johnson, R.			

The Smith amendment was adopted with 21 ayes, 14 nays, 2 present and not voting, and 12 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Withem, Hartnett, and Mrs. Smith asked unanimous consent to print the following amendment to LB 934 in the Journal. No objections. So ordered.

AM2334

1. Insert the following new sections:

"Sec. 2. That section 16-230, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-230. A city of the first class by ordinance may require any and all lots or pieces of ground within the city or within two miles of the corporate limits of the city to be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon. It may require the owner or occupant of all lots and pieces of ground within ~~the city~~ such areas to keep the ~~said~~ lots and pieces of ground~~,~~ and the adjoining streets and alleys ~~adjoining thereto,~~ free of weeds or other rank growth of vegetation and it may prohibit and control the throwing, depositing, or accumulation of litter on any lot or piece of ground within ~~the city~~ such areas. Upon the failure of the owner or occupant of such real estate to

comply with the orders of the council in regard to draining, littering, filling, or removing weeds or other vegetation from ~~same~~ such real estate or the street or alley adjoining such real estate, the city council may, after five days' notice by publication and by certified mail, have such work done and ~~may~~ levy and assess the costs and expenses ~~thereof~~ of such work upon the property so benefited in the same manner as other special taxes for improvements are levied and assessed.

Sec. 3. That section 16-231, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-231. A city of the first class may prevent any person from bringing, depositing, having, or leaving upon or near his or her premises or elsewhere in the city~~,~~ or within two miles of the corporate limits of the city any carcass or putrid beef, pork, fish, hides, or skins of any kind~~,~~ or any unwholesome substance~~,~~ and may compel the removal of the same.

Sec. 4. That section 16-246, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-246. A city of the first class may make all such ordinances, bylaws, rules, regulations, and resolutions not inconsistent with the general laws of the state~~,~~ as may be necessary or expedient, in addition to the special powers otherwise granted by law, for maintaining the peace, good government, and welfare of the city and its trade, commerce, and manufactures, ~~and~~ for preserving order~~,~~ and securing persons or property from violence, danger, and destruction, for protecting public and private property, and for promoting the public health, safety, convenience, comfort, and morals~~,~~ and the general interests~~,~~ and welfare of the inhabitants of the city. It ~~shall have power to~~ may impose fines, forfeitures, penalties, and imprisonment at hard labor for the violation of any ordinance; ~~, and to~~ provide for the recovery, collection, and enforcement ~~thereof~~ of such fines, forfeitures, or penalties; and, in default of payment, ~~to~~ provide for confinement in the city or county prison, workhouse, or other place of confinement with or without hard labor as may be provided by ordinance. The jurisdiction of the city to enforce such ordinances, bylaws, rules, regulations, and

resolutions shall extend over the city and over all places within two miles of the corporate limits of the city.

Sec. 5. That section 16-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-901. Any city of the first class may apply by ordinance any existing or future zoning regulations, property use regulations, building ordinances, electrical ordinances, ~~and~~ plumbing ordinances, and ordinances authorized by section 16-240 to the unincorporated area two miles beyond and adjacent to its corporate boundaries with the same force and effect as if such outlying area were within the corporate limits of such city, except that ~~; PROVIDED,~~ no such ordinance shall be extended or applied so as to prohibit, prevent, or interfere with the conduct of existing farming, livestock operations, businesses, or industry. For ~~; AND PROVIDED FURTHER, that for~~ purposes of sections 70-1001 to 70-1020, the zoning area of a city of the first class shall be one mile beyond and adjacent to the corporate area. The fact that such unincorporated area is located in a different county or counties than some or all portions of the municipality shall not be construed as affecting the powers of the city to apply such ordinances.

Sec. 6. That section 18-1303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1303. (1) The commission shall consist of nine members who shall represent insofar as is possible different professions or occupations in the municipality and who shall be appointed by the mayor, by and with the approval of a three-fourths vote of the council. Two of such members may be residents of the area over which the municipality is authorized to exercise extraterritorial zoning and subdivision regulations. Commencing on and after September 1, 1988, when there are a sufficient number of residents in the area over which the municipality exercises extraterritorial zoning and subdivision regulation, one member of the commission shall be a resident from such area. If, on or after such date, or after it is determined by the city council or village board that a sufficient number of residents

reside in the area subject to extraterritorial zoning jurisdiction, no such resident is a member of the commission, the first available vacancy on the commission shall be filled by the appointment of such an individual. A sufficient number of residents for a village shall mean two hundred residents, for a city of the second class shall mean five hundred residents, and for a city of the first class shall mean one thousand residents. All members of the commission shall serve as such without compensation and shall hold no other municipal office except when appointed to serve on the board of adjustment as provided in section 19-908. The term of each member shall be three years, except that three members of the first commission to be so appointed shall serve for the term of one year, three for the term of two years, and three for a term of three years. All members shall hold office until their successors are appointed. All members may, after a public hearing before the council, be removed by the mayor, by and with the consent of a three-fourths vote of the council for inefficiency, neglect of duty or malfeasance in office or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor.

(2) Notwithstanding the provisions of subsection (1) of this section, the planning commission for any city of the second class or village may have either five, seven, or nine members as the city council or village board of trustees shall establish by ordinance. If a city or village planning commission has either five or seven members, approximately one-third of the members of the first commission shall serve for ~~a term~~ terms of one year, one-third for ~~a term~~ terms of two years, and one-third for ~~a term~~ terms of three years.

Sec. 7. That original sections 16-230, 16-231, 16-246, 16-901, and 18-1303, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Insert underscoring in original section 1.

ADJOURNMENT

At 6:01 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Tuesday, March 22, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 22, 1988

LEGISLATIVE JOURNAL

FORTY-NINTH DAY - MARCH 22, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 22, 1988

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Don Hale, Evangelical Free Church, Stromsburg, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. R. Johnson and Mrs. Pirsch who were excused; and Messrs. Abboud, Ashford, Chambers, Haberman, V. Johnson, McFarland, Peterson, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1347, line 12, strike "Mr. Hall" and insert "Messrs. Hall and Wesely".
The Journal for the Forty-Second Day was approved as corrected.
The Journal for the Forty-Eighth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 337.

GENERAL FILE

LEGISLATIVE BILL 1237. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1236. Title read. Considered.

Standing Committee amendment, AM2532, found in the Journal on page 1341 for the Forty-Second Day was considered.

Mr. Miller 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. Hall requested a record vote on the Standing Committee amendment.

Voting in the affirmative, 13:

Ashford	Hall	Higgins	Landis	McFarland
Chizek	Hartnett	Korshoj	Lynch	Smith
Coordsen	Hefner	Labedz		

Voting in the negative, 26:

Abboud	Dierks	Lamb	Nelson	Warner
Baack	Elmer	Langford	Peterson	Wehrbein
Barrett	Goodrich	Marsh	Remmers	Weihing
Bernard-Stevens	Haberman	Miller	Schellpeper	Wesely
Conway	Johanns	Moore	Scofield	Withem
	Johnson, L.			

Present and not voting, 6:

Beyer	Hannibal	Morehead	Rogers	Schmit
Campbell				

Excused and not voting, 4:

Chambers	Johnson, R.	Johnson, V.	Pirsch

The Standing Committee amendment lost with 13 ayes, 26 nays, 6 present and not voting, and 4 excused and not voting.

Messrs. Wesely and Hall moved to indefinitely postpone LB 1236.

The Wesely-Hall motion to indefinitely postpone prevailed with 19 ayes, 1 nay, 26 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2412.)

RESOLUTIONS

LEGISLATIVE RESOLUTION 347. Introduced by Remmers, 1st District.

WHEREAS, a post office was established at Hendricks in Otoe County, Nebraska, on February 28, 1863; and

WHEREAS, the name of the post office was changed to Douglas on October 29, 1888; and

WHEREAS, Douglas is celebrating its centennial July 23; and

WHEREAS, this centennial celebration reflects well on the pioneer spirit of the founders of Douglas and on the fortitude of their descendants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations and best wishes to the Village of Douglas on its centennial celebration.

2. That a copy of this resolution be sent to Raymond J. Moller, Chairperson of the Village Board of Douglas.

Laid over.

LEGISLATIVE RESOLUTION 348. Introduced by Remmers, 1st District.

WHEREAS, a post office was established at Spring Creek in Johnson County, Nebraska, on August 26, 1868; and

WHEREAS, the post office's name was changed to Cook on June 19, 1888, in honor of a local landowner; and

WHEREAS, Cook was platted during the coming of the railroads to southeast Nebraska; and

WHEREAS, Cook is celebrating its centennial July 9 and 10; and

WHEREAS, this centennial celebration reflects well on the pioneer spirit of the founders of Cook and on the fortitude of their descendants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations and best wishes to the Village of Cook on its centennial celebration.

2. That a copy of this resolution be sent to David Armknecht, Chairperson of the Village Board of Cook.

Laid over.

LEGISLATIVE RESOLUTION 349. Introduced by Remmers, 1st District.

WHEREAS, a post office was established at Burroak in Otoe County, Nebraska, on July 15, 1869; and

WHEREAS, Burroak became Burr on September 3, 1888; and

WHEREAS, Burr is celebrating its centennial June 25 and 26; and

WHEREAS, this centennial celebration reflects well on the pioneer spirit of the founders of Burr and on the fortitude of their descendants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations and best wishes to the Village of Burr on its centennial celebration.

2. That a copy of this resolution be sent to Arthur Moss, Chairperson of the Village Board of Burr.

Laid over.

LEGISLATIVE RESOLUTION 350. Introduced by Haberman, 44th District.

PURPOSE: The purpose of this resolution is to study all aspects of the Research and Development Authority. The study shall include, but not be limited to, a review of expenditures, new business investments, all aspects of funding, the application and selection

process for new business investments, the internship program, and the overall effectiveness of the authority.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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 351. Introduced by Haberman, 44th District.

PURPOSE: The purpose of this resolution is to study the procedures in adoption of rules and regulations of state agencies. The study shall include, but not be limited to, a review of the procedures for publication of legal notices for hearings, the statutory maximum rates for publication of public hearings, and the location of public hearings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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.

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointments Tuesday, March 28, 1988 1:15 p.m.
Alan Cramer - Game and Parks Commission
Vernon Pearson - Environmental Control Council

(Signed) Loran Schmit, Chairperson

MOTION - Return LB 377 to Select File

Messrs. Hall and Wesely moved to return LB 377 to Select File for their specific amendment, AM2535, found in the Journal on page 1347 and corrected on page 1582.

The Hall-Wesely motion to return prevailed with 31 ayes, 1 nay, 14 present and not voting, and 3 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 377. The Hall-Wesely specific amendment, AM2535, found in the Journal on page 1347 and corrected on page 1582 was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 377 to Select File

Mr. Ashford moved to return LB 377 to Select File for the following specific amendment:

Section 1, subsection (b), line 16 and insert:

The Court may upon good cause shown including a showing that driving a motor vehicle is a condition of employment grant such person a permit to drive in the course of such person's employment during the period of probation.

Mr. Ashford withdrew his motion to return.

Mr. McFarland moved to return LB 377 to Select File for the following specific amendment:

Strike Section 3 from LB 377.

Mr. McFarland 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. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The McFarland motion to return lost with 4 ayes, 19 nays, 23 present and not voting, and 3 excused and not voting.

Mr. McFarland moved to return LB 377 to Select File for the following specific amendment:
AM2051

(Amendments to Final Reading copy)

1. On page 14, line 17, after "person" insert "(1)"; in lines 18 through 25 reinstate the stricken matter and strike the new matter; and in line 19 after "order" insert "if such person has not been convicted of a prior charge of driving under the influence of alcohol or of any drug or previously had his or her motor vehicle operator's license or nonresident operating privileges revoked for the refusal to submit to such chemical test or (2) for a period of one year from the date of such order if such person has had a prior conviction of driving under the influence of alcohol or of any drug or previously had his or her motor vehicle operator's license revoked for the refusal to submit to such chemical test".

2. On page 15, line 5, strike "one-year".

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The McFarland motion to return lost with 3 ayes, 16 nays, 27 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Governor Appointment Tuesday, March 29, 1988 1:15 p.m.
Harry A. Spencer - Public Employees Retirement Board

(Signed) Rex Haberman, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor appointment.

Revenue

John M. Boehm - Nebraska Tax Commissioner

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 352. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Hall, 7th District; Higgins, 9th District; Johanns, 27th District; Korshoj, 16th District; Labedz, 5th District; Smith, 33rd District.

PURPOSE: The purpose of this resolution shall be to study Nebraska's municipal annexation and extraterritorial jurisdiction statutes as they relate to developed areas surrounding cities and villages.

During the course of this and the last legislative session, considerable debate and discussion have been devoted to the need for municipal control over the areas immediately surrounding the cities and villages of the state to ensure proper development and control of nuisances and public safety hazards for the benefit of the city's current and future residents.

Residents of the extraterritorial jurisdiction have raised concerns about the lack of representation they have on city boards and the city council and the consequent lack of control or input they have on city decisions regarding their land.

This study would investigate Nebraska's current laws on the subject and proposed statutory changes aimed at balancing the concepts. The study shall include, but not be limited to, an investigation of:

(1) Financial and developmental standards for annexation;

(2) Liberalization of current city and village formation laws;

(3) Implications of unannexed developed areas for municipal growth;

(4) Greater representation of nonresidents in city decisionmaking bodies; and

(5) The appropriate role of county government in development decisions in the extraterritorial area.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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.

GENERAL FILE

LEGISLATIVE BILL 899. Title read. Considered.

SPEAKER BARRETT PRESIDING

Standing Committee amendments, AM2079, printed separate from the Journal and referred to on page 895 for the Twenty-Eighth 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.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 1041 in the Journal. No objections. So ordered.

AM2667

(Amendments to Standing Committee amendments, AM2250)

1. On page 15, lines 10 and 11, strike "99,500" and insert "135,500"; and after line 11 insert "Total expenditures for permanent and temporary salaries and per diems for fiscal year 1988-89 are hereby increased by $36,000.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 353. Introduced by Goodrich, 20th District.

PURPOSE: The University of Nebraska Medical Center (UNMC) operates as both a health care provider and a primary medical instructional institution. Health care cost containment efforts may

have contributed to the reduction in occupancy rates and decreased patient volume in Nebraska. The reduction in patient volume, in turn, impacts on the ability of the UNMC to achieve its educational imperative.

The purpose of this resolution is

(1) To examine the UNMC's impact on health care cost containment in Omaha and the state as UNMC competes for patients in sufficient numbers to meet its instructional mandates;

(2) To examine the operation and organization of the UNMC;

(3) To examine the revenue sources and fund mixes used to support the operation of UNMC and its instructors, and;

(4) To examine the admissions policy of the UNMC with respect to the number, type, and qualifications of individuals selected to participate in medical training.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services 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 it study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 354. Introduced by McFarland, 28th District.

PURPOSE: The purpose of this resolution is to study the current state of educational programs for gifted students in Nebraska and to examine various methods which might be utilized to improve those programs and to expand them through improved identification of Nebraska's gifted children.

The study proposed by this resolution would examine the feasibility of estabishing a state-sponsored summer program, a year-round learning environment for selected gifted students, and the coordination of Nebraska programs with other regional programs which are or may be established. It shall also look at what other states have accomplished in the area of gifted education for programs which may be similarly established in our educational system. Such study should be conducted in cooperation with the State Department of Education and the University of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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.

GENERAL FILE

LEGISLATIVE BILL 1217. The Standing Committee amendments, AM2106, printed separate from the Journal and referred to on page 1026 and considered on page 1576, were renewed.

Mr. Schmit offered the following amendment to the Standing Committee amendments:
AM2701

(Amendments to Standing Committee amendments, AM2106)

1. Insert the following new amendments:

"1. On page 3, line 16, after the second comma insert 'to make grants or loans to facilitate and stimulate the study, development, acquisition, or construction of facilities that would combine the expanded use of Nebraska agricultural products, the production and distribution of ethanol or its co-products or byproducts, the generation and distribution of electric power and energy, the collection, treatment, and disposal of sewerage, garbage, or other waste materials, and other related activities that may be deemed appropriate,'.

2. On page 4, line 17, after the period insert 'When awarding grants or loans to facilitate and stimulate the study, development, acquisition, or construction of facilities that would combine the expanded use of Nebraska agricultural products, the production and distribution of ethanol or its co-products or byproducts, the generation and distribution of electric power and energy, the collection, treatment, and disposal of sewerage, garbage, or other waste materials, and other related

activities that may be deemed appropriate, the board's considerations shall include, but not be limited to, the expanded use of Nebraska agricultural products, development of energy resources and reserves, jobs to be created by the proposed project, and the combination of technologies utilized to affect the accomplishment of the objectives.'.

3. On page 5, line 10, strike 'or' and insert an underscored comma; and after 'village' insert ', or any agency created pursuant to the Municipal Cooperative Financing Act'; in line 19 strike the second 'or' and insert an underscored comma; in line 20 before 'may' insert ', or any agency created pursuant to the Municipal Cooperative Financing Act'; and after line 23, insert the following new subsection:

'(3) Any city, county, or village or agency created pursuant to the Municipal Cooperative Financing Act may apply for a grant or loan to facilitate and stimulate the study, development, acquisition, or construction of facilities that would combine the expanded use of Nebraska agricultural products, the production and distribution of ethanol or its co-products or byproducts, the generation and distribution of electric power and energy, the collection treatment and disposal of sewerage, garbage, or other waste materials, and other related activities that may be deemed appropriate.'.

4. On page 6, line 16, after '(2)' insert 'or (3)'.

5. On page 7, line 11, after '(2)' insert 'or (3)'; and in line 19 strike 'or the University of Nebraska' and insert ', a postsecondary educational, institution, or any agency created pursuant to the Municipal Cooperative Financing Act'.

6. On page 8, line 5, after 'product' insert 'or to perform a study to determine the feasibility of a facility that would combine the expanded use of Nebraska agricultural products, the production and distribution of ethanol or its co-products or byproducts, the generation and distribution of electric power and energy, the collection, treatment, and disposal of sewerage, garbage, or other waste materials, and other related activities that may be deemed appropriate'.

7. Insert the following new section:

'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. Strike original amendment 4 and all amendments thereto.

Messrs. Peterson, Withem, and Mrs. Johanns asked unanimous consent to be excused until they return. No objections. So ordered.

The Schmit amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were 50 fourth grade students and teachers from Linden School, Fremont; 17 seniors and teacher from Palmer Public School; and 38 fourth grade students and teacher from Watson Elementary School, Hastings.

RECESS

At 12:05 p.m., on a motion by Mr. L. Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Dierks, Haberman, Hannibal, Hartnett, R. Johnson, McFarland, Remmers, Rogers, Mesdames Campbell, Higgins, and Labedz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1217. The pending Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Schmit offered the following amendment:
AM2706

1. Insert the following new section:

"Sec. 2. That section 66-1307.02, Revised Statutes Supplement, 1987, be amended to read as follows:

66-1307.02. Notwithstanding the investment standards and fiduciary obligations of the state prescribed in sections 72-1246 and 72-1247, the state investment officer shall purchase shares of stock or otherwise make an investment in a corporation utilizing the fund when so directed by the board. The board shall not direct the state investment officer to purchase shares of stock or otherwise make an investment which utilizes all or part of the fund unless ~~there exists a reasonable expectation~~ the board finds that any amounts of the fund so utilized will provide a reasonable return on investment to the state. All management, custodial, and service costs, as defined in section 72-1249.02, incurred by the state investment officer in purchasing shares of stock or otherwise making an investment pursuant to section 66-1307.01 shall be charged to the fund. Such costs shall be approved by the Nebraska Investment Council. Any return on investment received pursuant to sections 66-1307.01 and 66-1307.02 shall be remitted to the State Treasurer and shall be placed in the fund.

For the purposes of this section, reasonable return on investment shall not be construed to mean those returns realized pursuant to the standards and fiduciary obligations prescribed in sections 72-1246 and 72-1247, but shall be based on the expectation of a viable ethanol or other agricultural byproduct production facility being constructed which will create jobs, generate economic return to the state, produce byproducts or coproducts, provide a market for grain, and otherwise provide an opportunity to receive interest and dividends and recover any principal invested or loaned for redistribution for additional new or expanded facilities.".

2. On page 8, line 11, after the first comma insert "66-1307.02,".

3. Renumber remaining sections accordingly.

The Schmit amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Schmit offered the following amendment:
AM2702

1. Insert the following new sections:

"Section 1. That section 2-2321, Revised Statutes Supplement, 1986, be amended to read as follows:

2-2321. No funds collected by the board shall be expended directly or indirectly to promote or oppose any candidate for public office. ~~or to influence state legislation.~~ The board shall not expend more than twenty-five percent of its annual budget to influence federal legislation.

Sec. 2. That section 2-3311, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3311. The duties and responsibilities of the board shall be prescribed in the authority for the soybean program and to the extent applicable shall include the following:

(1) To develop and direct any 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;

(2) To prepare and approve a budget consistent with limited receipts and the scope of the commodity program;

(3) To adopt and promulgate reasonable rules and regulations;

(4) To procure and evaluate data and information necessary for the proper administration and operation of the commodity program;

(5) To employ personnel and contract for services which are necessary for the proper operation of the program;

(6) To establish a means whereby any grower of soybeans has the opportunity at least annually to offer his or her ideas and suggestions relative to board policy for the coming year;

(7) To authorize the expenditure of funds and contracting of expenditures to conduct proper activities

of the program;

(8) To bond the treasurer and such other persons necessary to insure adequate protection of funds;

(9) To keep minutes of its meetings, and other books and records which will clearly reflect all of the acts and transactions of the board, and to keep these records open to examination by any grower-participant during normal business hours;

(10) To prohibit any funds collected by the board from being expended directly or indirectly to promote or oppose any candidate for public office; ~~or to influence legislation;~~ and

(11) To make refunds for overpayments of fees according to rules and regulations adopted by the department.

Sec. 3. That section 2-3622, Revised Statutes Supplement, 1986, be amended to read as follows:

2-3622. The duties and responsibilities of the board shall be prescribed in the authority for the corn program and to the extent applicable shall include the following:

(1) To develop and direct any corn development, utilization, and marketing program. Such program may include a program to make grants and enter into contracts for research, accumulation of data, and construction of ethanol production facilities;

(2) To prepare and approve a budget consistent with limited receipts and the scope of the corn commodity program;

(3) To adopt and promulgate such rules and regulations as are necessary to enforce the Nebraska Corn Resources Act in accordance with the Administrative Procedure Act;

(4) To procure and evaluate data and information necessary for the proper administration and operation of the corn commodity program;

(5) To employ personnel and contract for services which are necessary for the proper operation of the program;

(6) To establish a means whereby any grower of corn has the opportunity at least annually to offer his or her ideas and suggestions relative to board policy for the upcoming year;

(7) To authorize the expenditure of funds and contracting of expenditures to conduct proper activities of the program;

(8) To bond the treasurer and such other persons necessary to insure adequate protection of funds;

(9) To keep minutes of its meetings and other books and records which will clearly reflect all of the acts and transactions of the board, and to keep these records open to examination by any grower-participant during normal business hours;

(10) To prohibit any funds collected by the board from being expended directly or indirectly to promote or oppose any candidate for public office, ~~or to influence state legislation.~~ The board shall not expend more than twenty-five percent of its annual budget to influence federal legislation; and

(11) To make refunds for overpayment of fees according to rules and regulations adopted and promulgated by the board.

Sec. 4. That section 2-4011, Revised Statutes Supplement, 1986, be amended to read as follows:

2-4011. The duties and responsibilities of the board shall be to implement and carry out the grain sorghum program and to the extent applicable shall include the following:

(1) To develop and direct any 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 construction of ethanol production facilities;

(2) To prepare and approve a budget consistent with limited receipts and the scope of the grain sorghum commodity program;

(3) To adopt and promulgate reasonable rules and regulations;

(4) To procure and evaluate data and information necessary for the proper administration and operation of the grain sorghum commodity program;

(5) To employ personnel and contract for services which are necessary for the proper operation of the program;

(6) To establish a means whereby any grower of grain sorghum has the opportunity at least annually to

offer his or her ideas and suggestions relative to board policy for the coming year;

(7) To authorize the expenditure of funds and contracting for expenditures to conduct proper activities of the program;

(8) To bond the treasurer and such other persons necessary to insure adequate protection of funds;

(9) To keep minutes of its meetings and other books and records which will clearly reflect all of the acts and transactions of the board and to keep these records open to examination by any grower-participant during normal business hours;

(10) To prohibit any funds collected by the board from being expended directly or indirectly to promote or oppose any candidate for public office. ~~or to influence state legislation.~~ The board shall not expend more than twenty-five percent of its annual budget to influence federal legislation; and

(11) To make refunds for overpayments of fees according to rules and regulations which may be adopted and promulgated by the board pursuant to this section.

Sec. 5. That section 54-2112, Revised Statutes Supplement, 1986, be amended to read as follows:

54-2112. The duties of the board shall be:

(1) To develop, implement, and direct any beef industry development program consistent with the general purpose of section 54-2103;

(2) To diligently pursue overseas markets for Nebraska-produced beef through foreign market development programs actually conducted in any country;

(3) To expand domestic markets for Nebraska-produced beef through market development and domestic promotion projects;

(4) To correct or alleviate transportation problems and other trade impediments which serve to limit markets for Nebraska-produced beef;

(5) To procure and evaluate data and information necessary for the proper administration and operation of the beef industry development program;

(6) To prepare and approve a budget consistent with limited receipts and the scope of the beef industry development program;

(7) To adopt and promulgate rules and regulations;

(8) To employ personnel and contract for services which are necessary for the proper operation of the program;

(9) To establish a means whereby a producer of beef has the opportunity at least annually to offer his or her ideas and suggestions relative to board policy for the coming year;

(10) To authorize the expenditure of funds and contracting of expenditures to conduct proper activities of the program;

(11) To authorize the expenditure of funds not to exceed twenty-five percent of its annual budget to influence federal legislation;

(12) To bond the executive director and such other persons necessary to insure adequate protection of funds;

(13) To prohibit any funds collected by the board from being expended directly or indirectly to promote or oppose any candidate for public office; ~~or to influence state legislation;~~

(14) To make refunds for overpayments of fees according to rules and regulations which may be adopted by the board pursuant to this section; and

(15) To exercise all incidental powers necessary to carry out the Nebraska Beef Industry Development Act.".

2. On page 8, line 9, strike "section" and insert "sections 2-3311 and"; and in line 10 after the last comma insert "sections 2-2321, 2-3622, 2-4011, and 54-2112, Revised Statutes Supplement, 1986,".

3. Renumber the remaining sections accordingly.

Mr. Schmit withdrew his pending amendment.

Mr. Schmit offered the following amendment:
AM2678

1. On page 5, after line 23 insert:

"(3) Any grant or loan made pursuant to this section shall be matched by the recipient. The match may come from any funds available to the city, county, village, or postsecondary educational institution. If a

grant or loan is made to the University of Nebraska the match shall come from a specific appropriation of General Funds.".

Mr. Schmit withdrew his pending amendment.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1041. Placed on Select File as amended.
E & R amendments to LB 1041:
AM5413

1. In the Morehead et al. amendment, AM2358, adopted March 16, 1988, on page 1, line 11, after the underscored period insert:

"FOR INFORMATIONAL PURPOSES ONLY: Total Appropriations to Agency No. 69 and Fund Source

	FY1987-88	FY1988-89
GENERAL FUND	-0-	250,000
FEDERAL FUND est.	-0-	50,000
AGENCY TOTAL	-0-	300,000".

2. In lieu of the V. Johnson amendment adopted March 11, 1988, found beginning on page 1334 of the Journal, in the Standing Committee amendments, AM2250, on page 12, line 8, strike "and"; and in line 12 after "programs" insert "; and

(f) A review of the various fees that finance highway construction such as, but not limited to, registration fees, gasoline taxes, and sales taxes in order to determine their adequacy to fund needs identified by the study authorized in this section".

3. In the Standing Committee amendments, AM2250:

a. On page 6, line 21, after "program" insert "for FY1988-89";

b. On page 8, line 2, strike beginning with "Laws" through "29" and insert "this section";

c. On page 10, line 18, after "FY1988-89" insert an underscored period;

d. On page 11, line 21, strike "(1)" and insert "(a)"; and in line 23 strike "(2)" and insert

"(b)";

e. On page 12, line 1, strike "(3)" and insert "(c)"; in line 6, strike "(4)" and insert "(d)"; and in line 9 strike "(5)" and insert "(e)";

f. On page 14, line 8, strike "line 22" and insert "lines 22 and 24";

g. On page 15, line 16, before the quotation marks insert:

"FOR INFORMATIONAL PURPOSES ONLY: Total Appropriations to Agency No. 3 and Fund Source

	FY1987-88	FY1988-89
GENERAL FUND	15,000	387,500
AGENCY TOTAL	15,000	387,500".

h. On page 19, line 7, after "aid" insert an underscored comma; and in line 11 after "16" insert an underscored comma;

i. On page 20, after line 4, insert

"PROGRAM TOTAL	-0-	21,000"

j. On page 23, line 7, strike "and Related Disorders" and insert "Disease";

k. On page 25, line 21, strike the comma; and

l. On page 31, line 4, after "$6,000" insert an underscored period.

4. On page 1, line 4, after the fourth comma insert "24,"; in line 5 after the first comma insert "38," and after the fourth comma insert "Laws 1987, LB 780, subsection (10) of section 70,"; and in line 18 after "sections" insert "and subsection".

5. On page 2, line 20, strike "to" and insert "for"; and in line 21 strike "for" and insert "to".

6. On page 3, line 7, strike "STATE" and insert "NEBRASKA" and after "ACCOUNTING" insert "SYSTEM".

7. On page 50, line 25, after "aid" insert an underscored comma.

8. On page 53, before line 18, insert:

"FOR INFORMATIONAL PURPOSES ONLY: Total Appropriations to Agency No. 20 and Fund Source

	FY1987-88	FY1988-89
GENERAL FUND	128,545	421,003
CASH FUND	910,571	610,845
AGENCY TOTAL	1,039,116	1,031,848".

9. On page 55, before line 24, insert:
"FOR INFORMATIONAL PURPOSES ONLY: Total Appropriations to Agency No. 31 and Fund Source

	FY1987-88	FY1988-89
GENERAL FUND	42,000	65,000
CASH FUND	16,800	43,180
AGENCY TOTAL	58,800	108,180".

10. On page 56, line 21, strike the second comma.

11. On page 59, line 15, after "reallocations" insert an underscored comma; and in line 17 after "that" insert an underscored comma.

12. On page 60, line 22, strike the comma.

13. On page 67, line 2, strike "Office" and insert "Analyst".

LEGISLATIVE BILL 1160. Placed on Select File.

LEGISLATIVE BILL 38. Placed on Select File as amended.
E & R amendments to LB 38:
AM5411

1. In the Standing Committee amendments, AM2066, adopted March 18, 1988:

a. On page 1, line 20, after "hundred" insert "and"; and

b. On page 2, line 3, after "hundred" insert "and".

2. On page 1, strike beginning with "appropriations" in line 1 through the second "funds" in line 4 and insert "state colleges; to amend section 85-324, Reissue Revised Statutes of Nebraska, 1943; to authorize additional expenditures for Cushing Coliseum at Kearney State College; to repeal the original section".

LEGISLATIVE BILL 764. Placed on Select File as amended.
E & R amendment to LB 764:
AM5414

1. On page 1, strike beginning with "public" in line 1 through line 7 and insert "petroleum overcharges; to amend sections 81-1607, 81-1636, 81-1637, 81-1639, 81-1640, and 81-1641, Reissue Revised Statutes of Nebraska, 1943; to change provisions

relating to the distribution of funds; to change and eliminate report requirements; to eliminate certain guidelines for distribution; to provide for hearings; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 764A. Placed on Select File.

LEGISLATIVE BILL 391. Placed on Select File as amended.
E & R amendment to LB 391:
AM5415

1. On page 1, strike beginning with "disasters" in line 1 through line 6 and insert "the Cash Reserve Fund; to amend section 84-613, Reissue Revised Statutes of Nebraska, 1943; to provide that interest will accrue to the General Fund; to provide an operative date; to repeal the original section; and to declare an emergency.".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 823 in the Journal. No objections. So ordered.

AM2543

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. That section 75-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-109. Except as provided in sections 79-487, 86-803, and 86-808, the commission shall have the power to regulate the rates and services of and to exercise a general control over all common carriers, which term is hereby defined as all carriers, including contract carriers, engaged in the transportation of freight or passengers for hire or furnishing communication services for hire in Nebraska intrastate commerce.

Sec. 3. That section 75-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-303. ~~The provisions of sections~~ Sections 75-301 to 75-322.01 shall apply to the transportation of passengers or property by motor carriers for hire engaged in intrastate commerce except:

(1) A motor carrier for hire engaged in the transportation of school children and teachers to and from school;

(2) A motor carrier for hire operated in connection with a part of a streetcar system;

(3) A motor carrier for hire engaged in the transportation of newspapers under a contract with the publisher or a distributor thereof if no other property or person is being transported for hire on the same load with such newspapers;

(4) The operation of any motor carrier owned in any city or village of this state engaged in the transportation of property within such city or village or within a radius of five miles beyond the corporate limits thereof;

(5) To ranch, dairy, or farm products, including livestock, being transported by motor vehicle from or to any ranch, dairy, farm, feedlot, or any market;

(6) To supplies or merchandise being transported by motor vehicle from or to any ranch, dairy, feedlot, or farm for use thereon when originating at or destined to a neighboring trading point or points;

(7) To ambulances or their owners, ~~or~~ to hearses, or to automobiles used exclusively as an incident to conducting a funeral;

(8) To motor vehicles owned and operated by any industrial, processing, or manufacturing plant when used by such plant in the transportation of raw materials and supplies to its plant or plants, or in the delivery of its products, supplies, or raw materials to purchasers thereof, when not for hire;

(9) To star route carriers employed by the post office department of the United States while operating a motor vehicle not exceeding one-half ton manufacturer's rated capacity on their regular routes;

(10) To wrecked or disabled motor vehicles being transported by winch or tow truck;

(11) To a motor carrier exempt by the provisions of subdivision (1) of this section who hauls

for hire~~,~~ (a) persons of a religious, fraternal, educational, or charitable organization, (b) pupils of a school to athletic events, (c) players of American Legion baseball teams when the point of origin or termination is within five miles of the domicile of the carrier, and (d) the elderly~~,~~ and their spouses and dependents, as defined in section 19-3903, under a contract with a municipality or county authorized in section 19-3908;

(12) To motor vehicles, owned and operated by farmers or ranchers, when hauling gravel or other road building material by agreement with the county board of the county in which their farms or ranches are situated for use upon the public roads within such county~~,~~ and ~~where~~ when the compensation for the use of such motor vehicles shall not exceed the reimbursement for the motor vehicle fuel used during such hauling;

(13) A motor carrier operated by a city and engaged in the transportation of passengers and such exempt operations shall be no broader than those authorized in intrastate commerce at the time the city or other political subdivision assumed ownership of the operation;

(14) Motor vehicles owned and operated by a nonprofit organization which has been exempted from the payment of federal income taxes, as provided by section 501(c)(4), Internal Revenue Code of 1954, transporting solely those persons over age sixty, those persons who are spouses and dependents of persons over age sixty, and the handicapped;

(15) A motor carrier engaged in the transportation of passengers operated by a transit authority created under and acting pursuant to the laws of the State of Nebraska;

(16) A motor carrier operated by a municipality or county as authorized in section 19-3908, in the transportation of the elderly;

(17) Motor vehicles having a seating capacity of twenty or less, which are operated by a governmental subdivision or a qualified public-purpose organization, as defined in section 19-3903, engaged in the transportation of passengers in the state; ~~and~~

(18) A motor carrier engaged in the transportation or movement of livestock and poultry

feed, or livestock and poultry feed and related health products and supplements when transported in the same vehicle, between a livestock and poultry feed manufacturer and the manufacturer's dealer as long as such transportation is performed on a vehicle licensed under ~~the provisions of~~ section 60-305.09 or 60-331; and

(19) Motor carriers operated by a nonprofit organization pursuant to subsection (3) of section 79-487.".

2. On page 1, line 1, strike "section" and insert "sections 75-109, 75-303, and"; and in line 5 after the semicolon insert "to exempt such use from regulation by the Public Service Commission;".

3. On page 7, line 5, after the period insert "The use of school buses pursuant to this subsection shall not be subject to regulation by the Public Service Commission."; and in line 6 strike "section" and insert "sections 75-109, 75-303, and".

4. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 355. Introduced by Remmers, 1st District.

PURPOSE: The purpose of this resolution is to study the necessity, feasibility, and desirability of rewriting, updating, and reorganizing Nebraska's insurance statutes. Much of Nebraska's basic statutory framework governing insurance was first enacted in 1913 and has been amended and expanded in a piecemeal fashion during the subsequent decades. The business of insurance and the administrative regulation thereof grow continually more complex and sophisticated. Therefore, it is in the best interests of the citizens of Nebraska for the Legislature to carefully examine the appropriateness of modernizing the insurance statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study, in cooperation with the Department of Insurance, to carry out the purposes of this resolution. The committee should solicit the input

of interested persons and groups as it deems necessary and beneficial 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 356. Introduced by Rogers, 41st District; Peterson, 21st District; Lamb, 43rd District; Remmers, 1st District.

PURPOSE: The purpose of this resolution is to study issues concerning automobile insurance and financial responsibility and to consider whether amendments in the legislative framework would be appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee and the Transportation Committee 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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1117 and 1117A.

(Signed) Scott Moore, Chairperson

MOTION - Reconsider Action on LB 519

Mr. R. Johnson renewed his pending motion found in the Journal on page 1405 to reconsider the vote that LB 519 become law notwithstanding the objections of the Governor.

Mr. Withem 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. R. Johnson moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The R. Johnson motion to reconsider prevailed with 29 ayes, 15 nays, 4 present and not voting, and 1 excused and not voting.

MOTION - Override Veto on LB 519

Messrs. Chizek, Ashford, Hall, and Wesely moved that LB 519 become law notwithstanding the objections of the Governor.

Mr. Wesely 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. Chizek requested a roll call vote on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Ashford	Coordsen	Johanns	Miller	Schellpeper
Baack	Dierks	Johnson, R.	Morehead	Schmit
Bernard-Stevens	Elmer	Korshoj	Nelson	Smith
	Haberman	Labedz	Peterson	Weihing
Beyer	Hall	Lynch	Remmers	Wesely
Chizek	Hartnett	McFarland	Rogers	Withem
Conway	Higgins			

Voting in the negative, 16:

Abboud	Hannibal	Johnson, V.	Langford	Scofield
Barrett	Hefner	Lamb	Marsh	Warner
Campbell	Johnson, L.	Landis	Moore	Wehrbein
Goodrich				

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Pirsch

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Reconsider Action on LB 519

Mr. Chambers moved to reconsider the override vote on LB 519.

The Chair declared the call raised.

Mr. Wesely requested a ruling of the Chair on whether the Chambers motion to reconsider was in order, under the provisions of Rule 7, Section 7(d).

The Chair ruled that the Chambers motion to reconsider was in order, because the bill was not at a stage of debate identified by that rule.

Mr. McFarland 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. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson 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. Chambers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 16:

Abboud	Campbell	Goodrich	Hefner	Johnson, V.
Barrett	Chambers	Hannibal	Johnson, L.	Lamb

Langford	Moore	Scofield	Warner	Wehrbein
Marsh				

Voting in the negative, 29:

Ashford	Conway	Higgins	Lynch	Remmers
Baack	Coordsen	Johanns	McFarland	Rogers
Bernard-Stevens	Dierks	Johnson, R.	Miller	Schellpeper
	Haberman	Korshoj	Morehead	Smith
Beyer	Hall	Labedz	Nelson	Weihing
Chizek	Hartnett	Landis	Peterson	Wesely

Present and not voting, 1:

Elmer

Excused and not voting, 3:

Pirsch	Schmit	Withem

The Chambers motion to reconsider lost with 16 ayes, 29 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Messrs. Coordsen, Korshoj, and McFarland asked unanimous consent to be excused. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1091. Placed on Select File as amended.
E & R amendments to LB 1091:
AM5416

1. In the Hefner et al. amendment, AM2625, adopted March 21, 1988, on page 2, line 3, strike "railroad" and insert "railroads"; and in line 7 strike "are" and insert "shall be".

2. In the Standing Committee amendments, AM2351, adopted March 21, 1988:

a. On page 1, line 9, after "72-1269" insert an underscored comma; and

b. On page 3, lines 5, 13, and 17, before "property" insert "personal".

3. On page 1, strike beginning with "create" in line 1 through "funds" in line 4 and insert "amend section 84-612, Revised Statutes Supplement, 1987; to create funds; to provide for distribution of money in such funds; to provide duties; to provide for reimbursements and the transfer of funds; to provide a termination date; to repeal the original section".

LEGISLATIVE BILL 1091A. Placed on Select File.

LEGISLATIVE BILL 846. Placed on Select File as amended.
E & R amendments to LB 846:
AM5417

1. In the Standing Committee amendments, AM2257, adopted March 21, 1988, on page 1, line 4, strike "interest" and insert "interests".

2. On page 1, line 1, after the semicolon insert "to state intent; and".

LEGISLATIVE BILL 1235. Placed on Select File as amended.
E & R amendments to LB 1235:
AM5418

1. In the Standing Committee amendments, AM2280, adopted March 21, 1988, on page 2, line 12, strike the first comma; and in line 14 strike "capacity" and insert "capacities".

2. On page 2, line 25, strike the comma.

3. On page 3, line 5, strike "Operations" and insert "Operation".

4. On page 4, line 12, strike "68509-4738" and insert "68509-4728".

5. On page 7, line 18, strike the comma; in line 19 strike "Facilities" and insert "Services"; and in line 22 after "diems" insert "from funds appropriated".

6. On page 8, line 11, after "act" insert "is $343,184.31".

LEGISLATIVE BILL 1237. Placed on Select File as amended.
E & R amendments to LB 1237:
AM5419

1. On page 2, line 19, after "13th" insert

"Street".

2. On page 3, line 14, after "70th" insert "Street".

3. On page 4, lines 11 and 17, strike "Calument" and insert "Calumet Court".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 1083 in the Journal. No objections. So ordered.

Sec. 7A. For each issue of bonds issued under the provisions of the Nebraska Investment Finance Authority Act, the issuer of the bonds, whether the authority or any association formed pursuant to the Interlocal Cooperation Act, shall select as bond counsel for the respective issue of bonds a Nebraska lawyer qualified to render opinions on the due authorization, issuance and delivery of bonds, Such firm shall be selected on the following basis. In the event that the aggregate principal amount of the bonds to be issued is $10,000,000 or less, such bond counsel firm shall be selected on whatever basis the issuer of the bonds determines to be necessary and appropriate. In the event that the aggregate principal amount of the bonds is more than $10,000,000 the issuer of the bonds shall mail to all bond counsel firms which have registered with the authority a request for proposal to act as bond counsel. The request for proposal shall request that if such firm desires to serve as bond counsel in connection with the issuance of the bonds that it submit a proposal to serve as such bond counsel and include therein its qualifications, experience and proposed fees, as well as such other information as the issuer of the bonds shall deem pertinent. Based on an analysis of the proposals submitted, the issuer shall select the bond counsel for the bonds.

RESOLUTIONS

LEGISLATIVE RESOLUTION 357. Introduced by Conway, 17th District; Labedz, 5th District.

WHEREAS, the issue of Nebraska's boundaries continues to be unresolved and continues to be an area in need of additional study; and

WHEREAS, the issue of Nebraska's boundaries should be further addressed to arrive at a disposition of its boundaries with neighboring states,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EXECUTIVE BOARD OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That, pursuant to section 50-404, a Special Committee of the Legislature be established to address the matters enumerated in this resolution and any related matters.

2. That Senator Gerald Conway serve as chairperson of such committee and that the Executive Board appoint six additional members.

3. That a majority of the Special Committee shall constitute a quorum for all purposes. A member who fails to attend three consecutive of five total meetings shall no longer be deemed as a member of the special committee.

4. That the Special Committee shall serve to focus and coordinate legislative attention on state boundary issues.

5. That the Special Committee shall evaluate the performance and impact of previous attempts to resolve state boundary disputes.

6. That the Special Committee shall develop recommendations for the Legislature on what Nebraska State Government may do to resolve state boundary disputes.

7. That the activities of the Special Committee shall not interfere with or supersede the normal activities of existing committees.

8. That the Special Committee terminate on December 31, 1988, and a final report be due upon termination of the Committee.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 358. Introduced by Beyer, 3rd District.

PURPOSE: The purpose of this resolution is to propose a comprehensive study of the history, philosophy, and methods used in the practice of naturopathy, including, but not limited to, the accreditation and educational institutions offering degrees in naturopathic medicine, statutes from other states allowing for the licensure or registration of naturopathic physicians, information from all fifty states regarding their regulations of the practice of naturopathy and whether or not the services of naturopathic physicians are covered by insurance in states where such physicians are licensed.

There is great public interest in alternative medicine and a number of Nebraskans have indicated their strong interest in pursuing licensure of naturopathic physicians in the state. However, there seems to be a great deal of misunderstanding of the scope of practice of naturopathic physicians and this study would benefit the Legislature as it attempts to deal with the many questions regarding this type of alternative health care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services 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 359. Introduced by Beyer, 3rd District.

PURPOSE: The purpose of this resolution is to propose a study of the licensing of private investigators in the State of Nebraska, including what standards should be set for educational requirements and experience before licensure is granted. This study will include research into what requirements are necessary for licensure or registration in other states for comparison purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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 360. Introduced by Beyer, 3rd District; Ashford, 6th District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to propose a study to determine the feasibility of reinstating the annual motor vehicle inspection law. The study would include a review of laws relating to motor vehicle inspection in other states and the effect on motor vehicle safety of these laws as well as the effect of the repeal of the motor vehicle safety inspection law in Nebraska.

The study would establish what alternatives as to administration of the program are available and to what extent the state should become involved in the actual inspection process. Another aspect of the study would involve determination of a fair and reasonable inspection fee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation 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.

COMMUNICATION

March 22, 1988

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 519 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 519, notwithstanding the objections of the Governor.

Sincerely,
Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

Enc.

CERTIFICATE

Legislative Bill 519 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this twenty-second day of March, 1988.

(Signed) William E. Barrett
President of the Legislature

GENERAL FILE

LEGISLATIVE BILL 1232. Title read. Considered.

Standing Committee amendments, AM2171, printed separate from the Journal and referred to on page 1030 for the Thirty-Third Day were considered.

PRESIDENT NICHOL PRESIDING

Mr. V. Johnson offered the following amendment to the Standing Committee amendments:
AM2679
(Amendments to Standing Committee amendments, AM2171)

1. On page 30, line 13, after "one" insert "or more" and strike "operator. Such" and insert "operators. A"; and in line 15 after "exceed" insert "such operator's".

2. On page 34, line 23, after "corporation" insert ", which holds a retailer's license for consumption on the premises or a bottle club license issued by the Nebraska Liquor Control Commission pursuant to the Nebraska Liquor Control Act,".

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Morehead moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

The V. Johnson amendment was adopted with 23 ayes, 8 nays, 12 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 1110 in the Journal. No objections. So ordered.

AM2709

(Amendments to Standing Committee amendments, AM1908)

1. Insert the following new section:

"Sec. 24. That section 21-2035, Revised Statutes Supplement, 1987, be amended to read as follows:

21-2035. All corporate powers shall be exercised by or under the authority of, and the business and affairs of a corporation shall be managed under the direction of, a board of directors, except as may be otherwise provided in the Nebraska Business Corporation Act or in the articles of incorporation. If any provision is made in the articles of incorporation, the powers and duties conferred or imposed upon the board of directors by such act shall be exercised or performed to such extent and by such person or persons as shall be provided in the articles of incorporation. Directors need not be residents of this state or shareholders of the corporation unless the articles of incorporation or bylaws so require. The articles of incorporation or bylaws may prescribe other qualifications for directors, but any change in qualifications that the articles of incorporation or bylaws may make shall not affect the incumbent directors during the term for which they were elected. The board of directors shall have authority to fix the compensation of directors unless otherwise provided in the articles of incorporation.

In addition to any duties that he or she might have as an officer, shareholder, or agent of the corporation, a ~~A~~ director shall, based on facts then known to the director, perform his or her duties as a director, including his or her duties as a member of any committee of the board upon which he or she may serve, in good faith, in a manner he or she reasonably believes

to be in the best interests of the corporation, and with such care as an ordinarily prudent person in a like position would use under similar circumstances. For purposes of this section, facts then known to the director shall include information or knowledge actually possessed, or which reasonably should have been possessed, by a director and information and facts contained in material given or presented, either orally or in writing, to a director by other directors or by officers, employees, agents, or professionals engaged by or representing the corporation.

In performing his or her duties, a director shall be entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, in each case prepared or presented by:

(1) One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented;

(2) Counsel, public accountants, or other persons as to matters which the director reasonably believes to be within such person's professional or expert competence; or

(3) A committee of the board upon which he or she does not serve, duly designated in accordance with a provision of the articles of incorporation or the bylaws, as to matters within its designated authority, which committee the director reasonably believes to merit confidence, but the director shall not be considered to be acting in good faith if he or she has knowledge concerning the matter in question that would cause such reliance to be unwarranted. A person who so performs his or her duties shall have no liability by reason of being or having been a director of the corporation.

A director may, but need not, in considering the best interests of the corporation, consider, among other things, the effects of any action on employees, suppliers, creditors, and customers of the corporation and communities in which offices or other facilities of the corporation are located.

In addition to the matters required to be set forth in the articles of incorporation by section 21-2052, the articles of incorporation may also contain

a provision eliminating or limiting the personal liability of an outside director to the corporation or its stockholders for monetary damages for breach of fiduciary duty as a director. Such a provision shall not eliminate or limit the liability of an outside director for:

(a) Any act or omission not in good faith or which involves intentional misconduct or a knowing violation of the law;

(b) Any transaction from which the outside director derived an improper personal benefit;

(c) Paying a dividend or approving a stock repurchase which was in violation of the Nebraska Business Corporation Act;

(d) Any act or omission which violates a declaratory or injunctive order obtained by the corporation or its shareholders; and

(e) Any act or omission occurring prior to the date such provision becomes effective.

For purposes of this section, outside director shall mean a member of the board of directors of a corporation as defined and organized under the Nebraska Business Corporation Act who is not an officer, shareholder, or person who may affect the conduct of the corporation through any devise or relationship, including, but not limited to, management agreements, voting trusts, directorships in related corporations, or any other means.

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his or her dissent is entered in the minutes of the meeting or unless he or she files his or her written dissent to such action with the secretary of the meeting before the adjournment thereof or forwards such dissent by certified or registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.".

2. On page 21, line 10, after "That" insert "original section 21-2035, Revised Statutes Supplement, 1987, and also".

3. Insert underscoring in original sections 1

to 23.

4. Renumber remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 361. Introduced by Baack, 47th District; Hannibal, 4th District.

PURPOSE: The Legislature enacted the County Purchasing Act, sections 23-3101 to 23-3114, in 1985. Under the act, counties must go through a competitive bidding process in conjunction with the purchase of property valued at ten thousand dollars or more. In awarding the contract to a given supplier, counties are allowed to consider a number of factors relating to the bids in addition to the dollar figures submitted by potential suppliers. The purpose of this resolution is to undertake a study of the County Purchasing Act to determine: (1) How well the competitive bidding process is functioning; (2) whether it is serving the best interests of the public; (3) whether the specification-writing process is being used to exclude certain potential suppliers from the bidding process; and (4) whether any changes need to be made in the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 362. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Campbell, 22nd District; Coordsen, 32nd District; Dierks, 40th District; Remmers, 1st District; Smith, 33rd District; Withem, 14th District.

PURPOSE: Cruelty to animals and neglect of animals are offensive and detrimental practices. State law concerning such cruelty and neglect have not been recently updated in a comprehensive manner. A bill to adopt the Animal Protection Act was introduced during the 1988 legislative session and was not advanced in order that the issue

of updating state law relating to cruelty and neglect may be studied in depth.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 363. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study cancer-control programs in Nebraska. The study should examine methods to facilitate and encourage cancer-control programs so that illness, death, and the cost related to cancer diagnosis and treatment can be avoided. Cancer ranks second only to heart disease as the leading cause of death among Nebraskans. Cancer has claimed a progressively larger proportion of Nebraska deaths in recent decades increasing from fifteen and nine-tenths percent of all deaths in 1960 to twenty and nine-tenths percent in 1985.

The study should include, but not be limited to:

(1) The identification and evaluation of existing data sources to determine the current burden of cancer on Nebraskans; and

(2) The initiation of new or modification of existing cancer-prevention programs at the state level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Health and Human Services 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 364. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to determine the extent of hunger in Nebraska. The emphasis of the study shall be to identify ways to eliminate hunger in Nebraska. The study shall include, but not be limited to:

(1) A determination of the extent of hunger in Nebraska;

(2) The identification of current public and private programs to combat hunger in Nebraska;

(3) A determination of who is served by current programs;

(4) The identification of methods to encourage participation in existing programs;

(5) The identification of gaps in current programs;

(6) The identification of new programs that may be needed;

(7) The identification of current coordination of hunger programs in Nebraska; and

(8) The determination of methods to facilitate coordination of hunger programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services 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 365. Introduced by Smith, 33rd District.

PURPOSE: The purpose of this resolution is to conduct an in-depth review of driver safety education as it relates to both motor vehicle drivers and motorcycle riders. Driver education offers both immediate and long-range benefits to students, parents, and the community and state at large. Students who complete driver education tend to have better collision and violation records, appreciate property more, and become more effective drivers. Having well educated drivers also benefits businesses who employ drivers. The same is also true for riders who complete a motorcycle safety education program.

Everyone who intends to drive a motor vehicle needs driver education. Toward that goal, over ninety-two percent of the nation's

high schools include driver education in their curricula. The state should also have the goal of insuring that motorcycle rider safety education has a similar availability. The cost of driver education and motorcycle education is small when compared to the alternative costs of increased hospital, medical, and rehabilitation expenses that result from accidents that could be avoided by proper safety education. The goal of both driver education and motorcycle safety education should be to ensure that defensive driving skills become an everyday habit for both motorcyclists and automobile drivers.

While programs currently exist which offer driver education and motorcycle safety education, the Legislature should review the structure and curricula of the programs to assure that the programs are adequate to meet their goals and to determine whether any new innovations can be incorporated into the programs. Furthermore, the state should ensure to the extent possible that both education programs attempt to develop mutual awareness between motorcyclists and motor vehicle drivers of the other's presence on the road through defensive driving techniques.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in executive session March 23, 1988 at 8:30 a.m. in Room 1003. (No meeting today as indicated earlier.)

GENERAL FILE

LEGISLATIVE BILL 1232. Mr. Hall offered the following amendment to the pending Standing Committee amendments:
AM2683

(Amendments to AM2679)

1. Strike amendment 2.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. 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. Hall moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Baack	Dierks	Hartnett	Labedz	Rogers
Campbell	Goodrich	Hefner	Langford	Schmit
Chizek	Haberman	Johanns	Lynch	Withem
Conway	Hall			

Voting in the negative, 25:

Ashford	Hannibal	Landis	Nelson	Smith
Barrett	Higgins	Marsh	Peterson	Warner
Bernard-Stevens	Johnson, L.	Miller	Remmers	Wehrbein
	Johnson, V.	Moore	Schellpeper	Weihing
Beyer	Lamb	Morehead	Scofield	Wesely
Elmer				

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Abboud	Johnson, R.	Korshoj	McFarland	Pirsch
Coordsen				

The Hall amendment lost with 17 ayes, 25 nays, 1 absent and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 1041 in the Journal. No objections. So ordered.

On page 57, beginning on line 16, strike, "distribution of federal need-based grants", and insert, "average distribution of state need-based grants in a peer group of Midwestern states chosen by the Nebraska Coordinating Commission for Postsecondary Education"

Mr. Warner asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

AM2640

(Amendments to Standing Committee amendments AM2066)

1. Insert the following new sections:

"Section 1. That section 79-2650, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2650. (1) On or before September 1 of each year, the board may certify to the county board of equalization of each county within the area a tax levy of not to exceed nine cents on each one hundred dollars on the actual valuation of all property within the area, uniform throughout such area, for the purpose of supporting operating expenditures of the technical community college area. ~~The power to levy such tax under this subsection shall not exist after June 30, 1990.~~

(2) In addition to the levy provided in subsection (1) of this section, the board may also certify to the county board of equalization of each county within the area a tax levy of not to exceed one and eight-tenths cents on each one hundred dollars on the actual valuation of all property within the area, uniform throughout such area, for the purpose of establishing a capital improvement fund and bond sinking fund as provided in section 79-2648. ~~The power to levy such tax under this subsection shall not exist after June 30, 1990.~~

(3) Except as provided by subsection (4) of this section, the levy provided in subsection (1) of this section shall not exceed nine cents on each one hundred dollars on the actual valuation of all property within the area without prior approval by a majority vote of the qualified electors of the area voting in an

election called for such purpose pursuant to section 79-2650.03.

(4) The tax levy limit provided in subsection (1) of this section may be exceeded by a two-thirds vote of the area board of any area with a total population of less than one hundred fifty thousand. The tax levy increase permitted under this subsection shall not exceed and shall be the lesser of an additional two and one-half cents on each one hundred dollars of the actual valuation of all property within the area or an amount sufficient to fund the local tax receipt portion of the total budget increase permitted under any budget increase limitation which is imposed by law and which is applicable to such area.

(5) The levy provided by subsection (2) of this section may be exceeded by that amount necessary to retire the general obligation bonds assumed by the area or issued pursuant to section 79-2648 according to the terms of such bonds.

(6) Such tax shall be levied and assessed in the same manner as other property taxes and entered on the books of the county treasurer. The proceeds of such tax, as collected, shall be remitted to the treasurer of the board not less frequently than once each month.

Sec. 2. That section 79-2650.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2650.07. Except (1) when such use has been approved at an election held pursuant to section 79-2650.03, ~~or~~ (2) for new capital construction at a campus which is part of ~~an~~ a technical community college area with a total population of less than three hundred twenty-five thousand and which is an old military installation with buildings which are in need of replacement, which has a total cost of not more than two million dollars and for which bid letting will be accomplished by July 1, 1990, or (3) for capital construction in a technical community college area which includes a city of the primary class, which has a total cost of not more than one million eight hundred thousand dollars and for which bid letting will be accomplished by July 1, 1991, no tax levied pursuant to subsection (2) of section 79-2650 shall be used by an area for (a) new capital structures, (b) additions to existing

structures, or (c) lease-purchase agreements or other new construction contracts the total cost of which to be paid from tax funds exceeds two hundred thousand dollars.".

2. On page 3, line 7, strike "section" and insert "sections 79-2650, 79-2650.07, and"; and in line 8 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2680
(Amendments to Standing Committee amendments, AM2171)

1. On page 30, line 13, after "one" insert "or more" and strike "operator. Such" and insert "operators. A"; and in line 15 after "exceed" insert "such operator's".

Mr. Landis asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2684
(Amendments to Standing Committee amendments, AM2171)

1. On page 49, line 11, strike "five" and insert "ten".

Mrs. Morehead asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2692
(amendments to Standing Committee amendments, AM2171)

1. Insert the following new section:

"Sec. 6. That section 9-304, Revised Statutes Supplement, 1986, be amended to read as follows:

9-304. Allowable expenses shall mean: ~~(a)~~ (1) All costs associated with the purchasing, printing, or manufacturing of any items to be used or distributed to participants; ~~(b)~~ (2) all office expenses; ~~(c)~~ (3) all promotional expenses; ~~(d)~~ (4) all salaries of persons employed to operate the lottery by the sale of pickle cards; ~~(e)~~ (5) any rental or lease expense; ~~and~~

~~(f)~~ (6) any fee paid to any person associated with the operation of any lottery by the sale of pickle cards including any commission paid to a sales agent and any expense for which a sales agent is reimbursed; and (7) any delivery or shipping charges incurred by a licensed organization in connection with the lottery by the sale of pickle cards. Allowable expenses shall not include the unit cost or any commission paid to a pickle card operator for selling individual pickle cards on behalf of the licensed organization. ~~Allowable expenses shall not include the tax on gross proceeds prescribed in section 9-344.~~

Sec. 9. Gross profit shall mean the definite profit from the sale of a pickle card unit less any commission paid by a licensed organization to a pickle card operator selling individual pickle cards on behalf of the licensed organization.

Sec. 13. Unit cost shall mean the total cost of a pickle card unit paid by a licensed organization to a distributor. Unit cost shall include the tax on gross proceeds prescribed in section 9-344 and any applicable sales tax. Unit cost shall also include any applicable federal gaming tax for which the licensed organization is liable in connection with its purchase or sale of a unit of pickle cards.".

2. On page 2, strike line 21 and insert "7, 8, 9, 12, 13, 15, 18, 25 to 28, 30, 31, 36 to 38, 42, 45, 48, and 50;" and in line 22 strike "45, and 47".

3. On page 4, line 10, strike "6, 7, 10, and 12" and insert "7 to 9, 12, 13, and 15".

4. On page 10, line 13, strike "definite" and insert "gross"; and in line 15 strike "pickle card tax" and insert "unit cost".

5. On page 30, line 5, strike "27" and insert "30".

6. On page 44, line 14, after "percent" insert "or more than seventy-five percent".

7. On page 49, line 11, strike "five" and insert "twenty"; strike beginning with "pickle" in line 11 through "proceeds" in line 12, show the old matter as stricken, and insert "definite profit"; and in line 13 after "distributor" insert an underscored period; and strike beginning with the comma in line 13 through the period in line 15 and show as stricken.

8. On page 53, line 1, after the comma insert "payment of the unit cost, any commission paid to a pickle card operator,"; in line 2 after "percent" insert "or more than seventy-five percent"; in line 4 after "prizes" insert an underscored period; strike beginning with the comma in line 4 through the period in line 10, show the old matter as stricken, and insert the following new subsection:

"(3) Not more than five percent of the definite profit of a pickle card unit shall be used by the licensed organization to pay the allowable expenses of operating a lottery by the sale of pickle cards, including not more than four percent of the definite profit which may be used by the licensed organization for the payment of any commission, salary, or fee to a sales agent in connection with the marketing of a pickle card unit.

(4) Not more than thirty percent of the definite profit of a pickle card unit shall be used by a licensed organization to pay a pickle card operator a commission, fee, or salary for selling individual pickle cards as opportunities for participation in a lottery by the sale of pickle cards on behalf of the licensed organization."; in line 11 before "a" insert:

"(1) For each type of pickle card unit marketed in this state, the department shall determine the following: (a) When a licensed organization sells pickle cards through pickle card operators, the portion of the definite profit from that pickle card unit which shall go to the licensed organization, such amount to be not less than seventy percent of the definite profit from such unit; (b) the maximum amount of the definite profit from the sale of a unit of pickle cards that a licensed organization may pay a pickle card operator as a commission to sell its pickle cards, such amount not to exceed thirty percent of the definite profit from such pickle card unit; (c) the portion of the definite profit from the sale of a unit of pickle cards which may be expended by a licensed organization for allowable expenses, such amount not to exceed five percent of the definite profit from that pickle card unit; and (d) the portion of the definite profit from the sale of a unit of pickle cards which may be utilized by a licensed organization for payment of a sales agent selling pickle

cards on behalf of the licensed organization, such amount to be a portion of the allowable expenses and not to exceed four percent of the definite profit from that pickle card unit.

(2) The licensed organization's net profit from the sale of a unit of pickle cards shall be used exclusively for a lawful purpose."; strike beginning with "an" in line 13 through "a" in line 14 and insert "a recipient outside of its organization as an inducement for or in exchange for: (a) A"; and in line 15 strike ",including" and insert "to any person, organization or corporation including, but not limited to the licensed organization, or any of its members, employees, or agents; or (b)".

9. On page 54, line 3, after "expenses" insert ", any commission paid to a pickle card operator, unit cost," and strike "except for" and insert "but excluding".

10. On page 56, line 1, after "expenses" insert ", any commission paid to a pickle card operator"; and in line 16, after "expenses" insert ", unit cost, any commission paid to a pickle card operator".

11. On page 63, line 6, strike "50" and insert "53"; and in line 10 after "to" insert "9-304,".

12. Renumber remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2687

(Amendments to Standing Committee amendments, AM2171)

1. On page 25, line 2, reinstate the stricken matter; and in lines 6 through 15 strike the new matter.

Messrs. Hall and V. Johnson asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2628

(Amendments to Standing Committee amendments, AM2171)

1. On page 4, line 22, strike "or" and insert an underscored comma and before "of" insert ", or (c)(5)".

2. On page 24, line 7, after the first comma insert "(c)(5),".

Mr. Landis asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2688

(Amendments to Standing Committee amendments, AM2171)

1. On page 53, line 11, before "A" insert "(1) No licensed organization shall generate net profits from its lottery by the sale of pickle cards and profits from other charitable gaming activities authorized and regulated under Chapter 9 which exceeds the revenue received by the organization from sources other than its lottery by the sale of pickle cards or other charitable gaming activities authorized and regulated under Chapter 9 on an annual basis. The department shall prescribe by rule and regulation a report to be submitted to the department on a periodic basis which will allow the department to determine compliance with this section. If an organization generates net profits from its lottery by the sale of pickle cards and profits from other charitable gaming activities authorized and regulated under Chapter 9 which exceeds the revenue received by the organization from sources other than its lottery by the sale of pickle cards or other charitable gaming activities authorized and regulated under Chapter 9, then the amount of net profit from its lottery by the sale of pickle cards or profits from other charitable gaming activities authorized and regulated under Chapter 9 which exceeds the revenue received by the organization from sources other than the lottery by the sale of pickle cards or other charitable gaming activities authorized and regulated under Chapter 9 shall carry over to the following annual period and be added to the amount of net profits generated by the licensed organization from its lottery by the sale of pickle cards and profits from other charitable gaming activities authorized and regulated under Chapter 9 for that annual period.

(2)".

VISITORS

Visitors to the Chamber were Mr. and Mrs. Raymand Walker and daughter, Linda; and 14 fourth grade students and teacher from Brownell-Talbot School, Omaha.

ADJOURNMENT

At 6:01 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Wednesday, March 23, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 23, 1988

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 23, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Roger Criser, Emmanuel Baptist Church, Fremont, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chambers, Haberman, Hall, R. Johnson, McFarland, Peterson, Schmit, Withem, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Ninth Day was approved.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 377. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1040. E & R amendments, AM5396, found in the Journal on page 1336 for the Forty-Second Day were adopted.

Mr. Warner renewed his pending amendment, AM2541, found in the Journal on page 1511.

The Warner amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1040A. Mr. Chambers renewed his pending amendment found in the Journal on page 1339.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Ashford	Chambers	Hall	Korshoj	Marsh
Baack	Chizek	Hartnett	Labedz	Schmit
Bernard-Stevens	Conway	Johanns	Landis	Weihing
	Elmer	Johnson, V.	Lynch	

Voting in the negative, 23:

Barrett	Haberman	Langford	Pirsch	Scofield
Beyer	Hannibal	Miller	Remmers	Smith
Campbell	Hefner	Moore	Rogers	Warner
Coordsen	Johnson, L.	Nelson	Schellpeper	Wehrbein
Dierks	Lamb	Peterson		

Present and not voting, 3:

Goodrich	Morehead	Wesely

Excused and not voting, 5:

Abboud	Higgins	Johnson, R.	McFarland	Withem

The Chambers amendment lost with 18 ayes, 23 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 366. Introduced by General Affairs Committee: Morehead, 30th District, Chairperson; Bernard-Stevens, 42nd District; Elmer, 38th District; Hartnett, 45th District; Higgins, 9th District; R. Johnson, 34th District; Miller, 37th District; Smith, 33rd District.

PURPOSE: Gambling in its various forms is an ever increasing activity in this state. Constitutional amendments have successfully been submitted to the voters to allow and broaden the various forms of gambling. Currently, the State Racing Commission regulates wagering on horseraces and the Charitable Gaming Division of the Department of Revenue regulates bingo, pickle card lotteries, lotteries, and raffles. The purpose of this resolution is to determine the feasibility or desirability of regulating gambling in Nebraska by a separate gaming commission.

A number of states regulate gambling by a separate gaming commission which, in most cases, is appointed by the Governor. With the expansion of the various types of gambling in Nebraska the option of a separate gaming commission to regulate it should be explored.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General 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 367. Introduced by General Affairs Committee: Morehead, 30th District, Chairperson; Bernard-Stevens, 42nd District; Elmer, 38th District; Hartnett, 45th District; Higgins, 9th District; R. Johnson, 34th District; Smith, 33rd District.

PURPOSE: Current Nebraska Statute requires that the owner or owners of a Nebraska-bred horse, as defined in section 2-1213, be a bona fide citizen or citizens of Nebraska continually from January 1

of the year of conception through the date of foaling and, if the owner is a corporation, all stockholders must also have been bona fide citizens of Nebraska. A bill before the Ninetieth Legislature, Second Session, 1988, would have removed the requirement that the owner be a bona fide citizen.

The purpose of this resolution is to review the citizenship requirement relating to Nebraska-bred horses prescribed in section 2-1213. The importance of this definition is that the purpose of this section is to encourage agriculture and horse breeding in Nebraska, and every licensed racetrack must hold at least one race on each racing day limited to Nebraska-bred horses. In addition, three percent of the first money of every purse won by a Nebraska-bred horse shall be paid to the breeder of the horse.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General 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.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

AM2722

(Amendments to Standing Committee amendments)

1. On page 12, strike lines 2 through 19 and all amendments thereto and insert:

"When a new agricultural land valuation manual is prepared and a change in valuations is proposed, the Tax Commissioner shall hold a series of four meetings to explain the information used to calculate the new values and to take under advisement any information presented at the meetings. The meetings shall be held pursuant to Chapter 84, article 14, except that notice shall be issued as set out in this section. The meetings shall be held in four different locations in this state convenient to the county officials and the residents of

the state. The meetings shall be conducted before the Tax Commissioner issues notice pursuant to the Administrative Procedure Act for the adoption and promulgation of the manual, allowing sufficient time to consider and act upon any information received at any meeting. One of the four meetings shall be designated and conducted as an official meeting of the Agricultural Land Valuation Advisory Board. Notice of the meetings shall be issued to each county assessor and county board of equalization and by news release at least ten days prior to the first meeting in the series. The notice shall state the date, time, and location of the four meetings. The Tax Commissioner shall provide the copy of the proposed agricultural land valuation manual to each county assessor at least ten days prior to the first meeting in the series.".

SELECT FILE

LEGISLATIVE BILL 1041. E & R amendments, AM5413, found in the Journal on page 1601 for the Forty-Ninth Day were adopted.

Mr. Hefner renewed the pending Abboud amendment found in the Journal on page 1516.

Mr. Wesely 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. Hefner moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Mr. Hefner requested a roll call vote on the Abboud amendment.

Voting in the affirmative, 21:

Abboud	Elmer	Hefner	Langford	Rogers
Barrett	Goodrich	Johanns	Peterson	Schellpeper
Beyer	Haberman	Johnson, L.	Pirsch	Smith
Campbell	Hannibal	Lamb	Remmers	Wehrbein
Coordsen				

Voting in the negative, 26:

Ashford	Conway	Labedz	Miller	Scofield
Baack	Dierks	Landis	Moore	Warner
Bernard-Stevens	Hall	Lynch	Morehead	Weihing
Chambers	Johnson, R.	Marsh	Nelson	Wesely
Chizek	Johnson, V.	McFarland	Schmit	Withem
	Korshoj			

Present and not voting, 1:

Hartnett

Excused and not voting, 1:

Higgins

The Abboud amendment lost with 21 ayes, 26 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz renewed her pending amendment, AM2667, found in the Journal on page 1590.

SPEAKER BARRETT PRESIDING

The Labedz amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mrs. Labedz withdrew her pending amendment found in the Journal on page 1626.

Mr. Warner offered the following amendment:
AM2711

1. In AM2250, on page 14, line 1, strike "$194,629" and insert "$235,629".

2. In AM2250, on page 33, line 9, strike "52" and insert "99".

3. On page 64, in lines 2 and 3 strike "0" and insert "140,000"; and in line 4 before "Total" insert "Total expenditures for permanent and temporary salaries and per diems shall not exceed $129,738 for

FY1987-88.".

4. In AM2358, on page 1, line 11, after the underscored period insert "Of the $200,000 General Funds appropriated in this section for year-long program grants for FY1988-89, not less than thirty percent of the funds awarded by the Nebraska Arts Council from this appropriation shall be granted to qualified arts organizations based in locations other than cities of the metropolitan or primary class.".

The Warner amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 249CA. Placed on Select File.

LEGISLATIVE BILL 1226. Placed on Select File as amended.
E & R amendments to LB 1226:
AM5420

1. In the Standing Committee amendments, AM2125, adopted March 21, 1988, on page 1, line 4, strike "payment" and insert "compensation".

2. On page 1, strike beginning with "colleges" in line 1 through "findings" in line 2 and insert "football"; and in lines 3 to 4 strike "Nebraska at Lincoln" and insert "Nebraska-Lincoln".

3. On page 15, line 21, strike "Nebraska at Lincoln" and insert "Nebraska-Lincoln"; and in line 25 strike "Sec. 10." and the paragraphing and strike "act" and insert "section".

4. On page 16, line 1, after "make" insert "such"; and strike beginning with "subject" in line 1 through "act" in line 2.

5. Renumber the remaining section accordingly.

(Signed) Scott Moore, Chairperson

CORRECTED NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointments Tuesday, Mar. 28, 1988(cancel) 1:15 p.m.
Alan Cramer - Game and Parks Commission
Vernon Pearson - Environmental Control Council

Governor Appointments Monday, Mar. 28, 1988(reset) 1:15 p.m.
Alan Cramer - Game and Parks Commission
Vernon Pearson - Environmental Control Council

(Signed) Loran Schmit, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 368. Introduced by Lamb, 43rd District.

WHEREAS, the year 1988 marks the one-hundredth anniversary of Rock County; and

WHEREAS, in 1871 J. W. Bassett, for whom the town of Bassett is named, brought a large herd of cattle into the present Rock County and built a house and sheds southwest of the present townsite. When the territory was open for homesteading, the Bassett Cattle Company sold its sheds, tools, and other equipment to the homesteaders who arrived there; and

WHEREAS, another early settler in the Sioux Territory was Isem Recor who ran a ferry boat on the Niobrara; and

WHEREAS, Chippewa Robinson and Newton Turpin came with their families in 1878 and were the first to break the virgin soil in what is now Rock County; and

WHEREAS, the hardy citizens of Rock County have survived prairie fires, droughts, dust storms, blizzards, depressions, and many other trials and tribulations; and

WHEREAS, Rock County was separated from Brown County on November 6, 1888, by a vote of the people; and

WHEREAS, a centennial celebration offers a unique opportunity for the citizens of a county to reflect upon those former citizens who developed the county and have contributed to its growth and vitality; and

WHEREAS, June 17 through June 19 will be a time of celebration in Rock County.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize and commend Rock County citizens for their centennial celebration.

2. That the Clerk of the Legislature mail a copy of this resolution to the Board of Commissioners of Rock County and to the Rock County Centennial Committee of Bassett.

Laid over.

LEGISLATIVE RESOLUTION 369. Introduced by Nelson, 35th District; Schellpeper, 18th District.

PURPOSE: The purpose of this resolution is to study the need for a program of assistance for nursing education designed to attract members of the nursing profession to areas where there exists a shortage of nurses. Such study shall include, but not be limited to, an analysis of educational assistance programs in other fields, such as the Nebraska Medical Student Assistance Act and the Nebraska Mathematics and Science Teacher Tuition Assistance Act, as well as models from other states.

A recent survey by the Nebraska Hospital Association showed the following rates of vacancies for registered nursing positions: (1) Twelve and six-tenths percent in southeast Nebraska; (2) eleven and five-tenths percent in the panhandle and sand hills; (3) nine and three-tenths percent in Lincoln; (4) five and six-tenths percent in south-central Nebraska; (5) three and nine-tenths percent in metropolitan Omaha; (6) three and seven-tenths percent in northeast Nebraska; and (7) six percent statewide.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 370. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Hall, 7th District; Johanns, 27th District; Korshoj, 16th District.

PURPOSE: The purpose of this resolution is to study the feasibility of a statewide plumbing code. Currently, only the larger cities in Nebraska have a plumbing code.

Plumbing codes protect the health and safety of individuals by establishing standards for the protection of drinking water and the proper installation of plumbing. The adoption of a state plumbing code would protect the health and safety of all Nebraskans regardless of his or her hometown.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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 371. Introduced by Coordsen, 32nd District; Hall, 7th District; Johanns, 27th District; Korshoj, 16th District.

PURPOSE: The purpose of this resolution is to study the impact of Legislative Bill 474, Ninetieth Legislature, First Session, 1987, which increased the state minimum wage law to equal the federal minimum wage law without the federal exemptions. The study shall include, but not be limited to, the following issues:

(1) To determine whether LB 474 decreased job opportunities for people eighteen years of age and younger;

(2) To determine whether part-time, temporary, or seasonal jobs which have traditionally been filled by people eighteen years of age and younger have been eliminated or whether such jobs are now being filled by older persons on a part-time or full-time basis;

(3) To examine whether LB 474 has been an undue burden on employers who have traditionally hired people eighteen years of age and younger on a part-time or temporary basis; and

(4) To examine whether LB 474 hinders entry-level employment opportunities for people eighteen years of age and younger.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 372. Introduced by R. Johnson, 34th District; Bernard-Stevens, 42nd District; Hefner, 19th District; Miller, 37th District; Barrett, 39th District; Coordsen, 32nd District; Elmer, 38th District; Chambers, 11th District.

PURPOSE: Aquaculture provides a source of quality food, provides a market for the state's grain, and offers opportunities for new jobs, increased farm income stability, and agricultural diversification. Encouragement for a state policy designed to promote the development of aquaculture must be in harmony with state policy designed to control disease in aquatic plants and animals and to control the introduction of aquatic plants and animal species into the waters of the state. The purpose of this resolution is to study ways the State of Nebraska can encourage the development and expansion of aquaculture while maintaining its duty to protect the waters of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture 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 373. Introduced by R. Johnson, 34th District; Bernard-Stevens, 42nd District; Wehrbein, 2nd District; Warner, 25th District; Miller, 37th District; Hefner, 19th District; Coordsen, 32nd District; Morehead, 30th District; Chambers, 11th District.

PURPOSE: Beef cattle are Nebraska's largest agricultural commodity with annual sales in excess of three billion dollars. Cattle

are fed in every county in Nebraska by some thirty-three thousand farmers and ranchers statewide. The mode of business for these producers varies from small cow-calf operations to intermediate yards to huge feedlots.

The purpose of this resolution is to study how cattle are marketed in Nebraska and the varying effects of such marketing on different sizes and types of cattle operations. The study may examine the buying practices of packers, the present and potential distribution of packing plants, the competitiveness of cattle pricing, the effects of the move toward branded beef, and the consequences for producers of a consumer-driven beef market in general.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 374. Introduced by R. Johnson, 34th District; Bernard-Stevens, 42nd District; Hefner, 19th District; Miller, 37th District; Morehead, 30th District; Coordsen, 32nd District; Elmer, 38th District; Chambers, 11th District.

PURPOSE: The failure to control noxious weeds in this state is a serious problem which is detrimental to the production of crops and livestock and to the health and welfare of Nebraskans and can result in removing land from the tax base, thereby reducing tax revenue. A framework for the control of noxious weeds is needed which delineates the responsibilities of landowners and state and local governments. In addition, a funding mechanism is needed in instances when private or public funds are not otherwise available for necessary noxious weed control measures. The purpose of this resolution is to study the control of noxious weeds, including a review of the control methods prescribed in Legislative Bill 911, with an eye towards resolving the problem of the failure to control such noxious weeds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture 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 1041. Messrs. Conway, Haberman, Baack, Mesdames Smith, and Labedz offered the following amendment: AM2723

(Amendments to AM2350)

1. On page 1, lines 4 and 5, strike "253,000" and insert "283,000"; in line 12 after the period insert "There is included in the appropriations to this program $30,000 General Funds to provide funding for in-state interim travel.".

The Conway et al. amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Schmit and V. Johnson offered the following amendment: AM2730

1. Insert the following new section:

"Sec. 83. There is hereby appropriated $38,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Nebraska State Historical Society, for Program 648, to provide funding for plans to develop the Bongers Museum. Such plans shall include, but not be limited to, the cost of acquiring artifacts and display materials, the cost of developing exhibit facilities, and the cost of ongoing operating expenses.".

2. Renumber remaining sections accordingly.

Messrs. Peterson and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. L. Johnson 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. Schmit moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. V. Johnson requested a roll call vote on the Schmit-V. Johnson amendment.

Voting in the affirmative, 26:

Ashford	Elmer	Johnson, L.	Langford	Rogers
Baack	Goodrich	Johnson, V.	McFarland	Schmit
Campbell	Hall	Labedz	Moore	Warner
Chambers	Hartnett	Lamb	Morehead	Weihing
Chizek	Johanns	Landis	Remmers	Wesely
Coordsen				

Voting in the negative, 13:

Abboud	Bernard-	Hefner	Nelson	Schellpeper
Barrett	Stevens	Johnson, R.	Peterson	Scofield
	Hannibal	Korshoj	Pirsch	Wehrbein

Present and not voting, 6:

Dierks	Marsh	Miller	Smith	Withem
Haberman				

Excused and not voting, 4:

Beyer	Conway	Higgins	Lynch

The Schmit-V. Johnson amendment was adopted with 26 ayes, 13 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Warner offered the following amendment:

(Amendments to AM2250)

On page 21, after line 16, insert the following:

The asbestos plan management review program contain in; after the first comma in line 17, insert or LB 1073.

The Warner amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall offered the following amendment:

To amend LB 1041 by striking Sec. 38 of the green copy and renumber the remaining sections.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Rogers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mrs. Johanns asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall withdrew his pending amendment.

Pending.

MR. LANDIS PRESIDING

LEGISLATIVE BILL 1160. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 391. E & R amendment, AM5415, found in the Journal on page 1604 for the Forty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 846. E & R amendments, AM5417, found in the Journal on page 1612 for the Forty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1235. E & R amendments, AM5418, found in the Journal on page 1612 for the Forty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1237. E & R amendments, AM5419, found in the Journal on page 1612 for the Forty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 375. Introduced by Morehead, 30th District; Wesely, 26th District; Bernard-Stevens, 42nd District.

PURPOSE: The statistics and emotional trauma involved in teen pregnancies are alarming and the State of Nebraska is affected fiscally and socially. Life skills, such as positive self esteem and good decision making, are important in preventing teen pregnancy.

The purpose of this resolution is to develop a program for the provision of life skills education for the children and teens of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services 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 376. Introduced by Withem 14th District; Hartnett, 45th District.

PURPOSE: The purpose of this resolution is to examine the feasibility of enforcing standard code licensing provisions by establishing penalties for such code violations. Currently all cities and villages may adopt a set of standard codes which establish terms, conditions, provisions, and limitations of a plumbing code, electrical code, fire prevention code, building code, and any other code which sets forth rules and regulations as noted by city or village ordinance.

Because the penalties for complying with a standard code are minimal, cities and villages do not have an effective means of punishing violators and enforcing the codes. Standard codes are adopted to protect the public, and sufficient penalties for code violations need to be established to ensure that public health and safety standards are consistently maintained. The study shall include, but not be limited to, the following:

(1) An examination and recommendation of penalties for violations of licensing provisions of standard codes;

(2) A review of the extent to which codes are complied with;

(3) A review of current penalties in effect for code violations as maintained by participating entities; and

(4) A proposal aimed at differentiating between routine or in-house maintenance and maintenance or installation requiring licensure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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 377. Introduced by Wehrbein, 2nd District.

WHEREAS, Jerry Regler will retire on August 1, 1988, after nearly forty years of service in the field of education; and

WHEREAS, Jerry Regler started teaching at the Nebraska School for the Visually Handicapped in 1950; and

WHEREAS, Jerry Regler became Superintendent of the Nebraska School for the Visually Handicapped in 1955; and

WHEREAS, Jerry Regler has been very active in his community, as a member of the Nebraska City Lutheran Church and has served as a member on the board of directors of Bethphage Mission in Axtell, Nebraska; and

WHEREAS, Jerry Regler was honored with the Outstanding Educator Award from the University of Nebraska at Omaha in 1979; and

WHEREAS, Jerry Regler has consistently provided the citizens of Nebraska with dedicated service in the educational field and has

devoted his professional life to prepare his students for success in their lives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature honors and recognizes Jerry Regler for his many years of service to the visually handicapped of Nebraska.

2. That a copy of this resolution be sent to Jerry Regler.

Laid over.

LEGISLATIVE RESOLUTION 378. Introduced by Wehrbein, 2nd District.

WHEREAS, Nebraska City was the home of J. Sterling Morton, Nebraska pioneer, political leader, arborist, and founder of Arbor Day; and

WHEREAS, Morton's residence and its grounds, Arbor Lodge State Park, is located in Nebraska City; and

WHEREAS, the National Arbor Day Foundation, Morton Orchards, and the new National Arbor Day Cultural Center are located in Nebraska City; and

WHEREAS, it was in Nebraska City that Arbor Day was first declared a holiday in April 1872, and since such declaration, the conservation and planting of trees has spread to all states and many foreign nations; and

WHEREAS, Nebraska City has continually celebrated Arbor Day with total community involvement, has actively promoted the statewide, nationwide, and worldwide celebration of Arbor Day, and has vowed to continue that promotion.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Nebraska City be and hereby is designated the home of the official Arbor Day celebration to be held each year on the last Friday in April.

2. That the Clerk of the Legislature send a copy of this resolution to John Rosenow, National Arbor Day Foundation, Lincoln, Nebraska, Jack McIntire, Mayor of Nebraska City, and Sheryl Vollertsen, Nebraska City Chamber of Commerce.

Laid over.

LEGISLATIVE RESOLUTION 379. Introduced by Withem, 14th District.

PURPOSE: The purpose of this interim study is to examine bumper height requirements for trucks and passenger cars. The Legislature recognizes the possible dangers caused by bumpers that have been modified or raised. High-rise trucks and similar motor vehicles directly contribute to a greater number of fatal accidents than the standard manufactured vehicle. Further, this interim study is proposed to safeguard citizens in standard vehicles by reducing the exposure caused by the excessive height on raised motor vehicles. Other problems with raised motor vehicles include deterioration of braking, steering, and handling features and the glare received from improperly placed headlights. The study shall include, but not be limited to:

(1) Examining and recommending bumper height requirements, including lowered bumper height, taking into consideration the standard manufacturers safety features;

(2) Examine and compare other states' legislation relative to bumper height;

(3) Consider placing the notation on a motor vehicle accident report regarding a modified bumper height. Currently there is no mention of a bumper height on Nebraska's accident report form;

(4) Examine various insurance company premium's in relationship to a modified bumper; and

(5) Access the necessity of placing bumper height restrictions on emergency vehicles to include vehicles used for "meals on wheels" purposes or any other home-based service for handicapped or elderly persons.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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.

VISITORS

Visitors to the Chamber were 47 Hall County Extension Women; Mr. and Mrs. Clare MontPeck and Mrs. John J. Smith; 75 fifth and

sixth grade students and teachers from Bellevue Christian Academy, Omaha; members of the Auburn Chamber of Commerce; 17 seniors and teacher from St. Ann's High School, Lexington; and 32 twelfth grade students from Red Cloud.

RECESS

At 11:59 a.m., on a motion by Mrs. Campbell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chambers, Dierks, Haberman, R. Johnson, V. Johnson, Lamb, Lynch, McFarland, Peterson, Remmers, Schmit, Warner, Withem, and Mrs. Higgins who were excused until they arrive.

MESSAGE FROM THE SECRETARY OF STATE

March 23, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 519, without the Governor's signature and with her objections, was filed in the office of Secretary of State on March 22, 1988.

In addition, I hereby acknowledge receipt of your cover letter dated March 22, 1988 and a Certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 519 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this twenty-second day of March, 1988.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of record.

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 L.B. 519, without the Governor's signature and with her objections, was filed in the office of Secretary of State on March 22, 1988.

In addition, I hereby certify that I received a certificate signed by the President of the Legislature, the contents of which are as follows:

> Legislative Bill 519 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this twenty-second day of March, 1988.

Finally, I hereby certify that all of these documents have been filed in this office as a matter of public record.

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

Done at Lincoln this twenty-third day of March in the year of our Lord, one thousand nine hundred and eighty-eight.

(SEAL) Allen J. Beermann, Secretary of State

GENERAL FILE

LEGISLATIVE BILL 766. Title read. Considered.

Standing Committee amendments, AM1561, found in the Journal on page 502 for the Thirteenth Day were adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 766A. Title read. Considered.

Messrs. Barrett and Warner renewed their pending amendment, AM2357, found in the Journal on page 1159.

The Barrett-Warner amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1232. Mrs. Morehead renewed her pending amendment, AM2692, found in the Journal on page 1628 to the pending Standing Committee amendments.

Mr. Remmers asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Hartnett 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. Withem requested a division of the question on the Morehead amendment.

The Chair ruled that the request for a division of the question was out of order because it should have been made prior to the vote to cease debate.

The Morehead amendment was adopted with 27 ayes, 18 nays, 3 present and not voting, and 1 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 940 in the Journal. No objections. So ordered.

AM2720

(Amendments to AM2185)

1. On page 3, line 19, strike "Payments" and insert "Based upon a request by the State Department of Education, payments"; and strike beginning with "The" in line 21 through the period in line 24 and all amendments thereto and insert "If funds appropriated by the Legislature to the School District Reorganization Fund are not sufficient to implement subsection (1) of this section, the payments shall be made from funds appropriated to the School Foundation and Equalization Fund.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 380. Introduced by Chizek, 31st District; Korshoj, 16th District; Nelson, 35th District; Chambers, 11th District; Abboud, 12th District; Conway, 17th District; McFarland, 28th District; Ashford, 6th District; Pirsch, 10th District; Hall, 7th District.

PURPOSE: The purpose of this resolution is to study the membership and examination requirements of the Nebraska State Bar Association as approved by the Nebraska Supreme Court and to recommend any changes in such requirements which will enhance the public policy of fair, open, competitive, and proficient practice of law in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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 381. Introduced by Chizek, 31st District; Conway, 17th District.

PURPOSE: An increasing number of legislative measures have been introduced in recent legislative sessions dealing with the granting of

various degrees of immunity from civil liability. Significant interest has been shown in recent years by various individuals, professions, proprietary entities, governmental subdivisions, and not-for-profit organizations in the area of immunity from civil liability. Political subdivisions have been seeking immunity for various activities which would differ from civil liability for personal injury and property damage caused by entities not covered by the Political Subdivisions Tort Claims Act. Many standing committees of the Legislature have been faced with liability issues on parts of bills within their jurisdiction. The purpose of this resolution is to conduct a study of immunity from liability granted to individuals, professions, not-for-profit organizations, political subdivisions, and others in Nebraska law. The study shall be comprehensive in nature and shall include, but not be limited to:

(1) Various national developments in the area of immunity from civil liability;

(2) The existence in Nebraska law of immunities now granted;

(3) Various alternatives in the areas of immunity; and

(4) The categorizing and standardizing of the levels of immunity allowed to parties and entities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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 382. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Campbell, 22nd District; Pirsch, 10th District; Rogers, 41st District; Schellpeper, 18th District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to conduct an interim study of current statutes, policies, procedures, and decision making relating to the highway construction and maintenance program of the State of Nebraska. In conducting this study consideration shall be given to:

(1) The current organization of the Department of Roads and possible alternatives for restructuring the department, including the need to increase the involvement of the office of the Governor, the Legislature, and local government in the development and implementation of the state roads program;

(2) The current and future needs of the state highway system and the method by which such needs are determined and prioritized; and

(3) The current method of financing highway construction and maintenance in this state. The study shall include examination of possible funding alternatives such as the use of highway bonds and shall also examine the current role of registration fees charged to all classes of motor vehicles in financing the needs of the state highway system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation 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 383. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Campbell, 22nd District; Pirsch, 10th District; Rogers, 41st District; Schellpeper, 18th District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to provide for several areas of study relating to matters over which the Transportation Committee of the Legislature has jurisdiction. The study shall include:

(1) An examination of issues relating to transportation, including railroads and common carriers;

(2) An examination of issues relating to the telecommunications industry;

(3) An examination of issues relating to motor vehicles; and

(4) An examination of the administration of the Department of Roads, the Department of Motor Vehicles, and the Nebraska Public Service Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation 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 384. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Campbell, 22nd District; Pirsch, 10th District; Rogers, 41st District; Schellpeper, 18th District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to conduct an interim study of the mandates established by the United States Congress through the passage of the Commercial Motor Vehicle Safety Act of 1986, P.L. 99-570.

The study shall review the requirements of the act and rules and regulations adopted and promulgated by the Federal Highway Administration and develop necessary conforming legislation for consideration by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation 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 385. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Campbell, 22nd District; Pirsch, 10th District; Rogers, 41st District; Schellpeper, 18th District; Wesely, 26th District.

PURPOSE: To study matters relating to the registration fees charged for various classes of motor carriers registering in the State of Nebraska. The study shall include, but not be limited to, the following topics:

(1) The level of registration fees for each and every class of motor vehicle registered in the state and how they compare with identical or similar classifications among all other states; and

(2) A comparison of registration fees collected by the State of Nebraska with all other sources of revenue received by Nebraska for the purpose of funding the highway programs of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation 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 386. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Campbell, 22nd District; Pirsch, 10th District; Rogers, 41st District; Schellpeper, 18th District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to conduct a study with respect to Nebraska's railroad branch lines. The issues to be studied shall include, but not be limited to:

(1) The current status of Nebraska's branch rail line system;

(2) The probable future status of Nebraska's branch rail line system;

(3) The impact on the general public of not maintaining the existing branch rail line system; and

(4) The need for a state funded branch rail line program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation 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 387. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Campbell, 22nd District; Pirsch, 10th District; Rogers, 41st District; Schellpeper, 18th District; Wesely, 26th District; and Scofield, 49th District.

PURPOSE: The purpose of this interim study resolution is to conduct a study of the transportation facilities and services of the State of Nebraska. The study shall include, but not be limited to, examination of the following topics:

(1) Existing transportation services utilization and the need to further utilize such services or the need to develop such services;

(2) The role and function of state and local government in the provision of transportation services for the movement of people and goods;

(3) The role transportation services play in the economic development of this state, with emphasis placed upon rural economic development; and

(4) The need for increased coordination and development of transportation services, including, but not limited to, programs for joint planning of surface, water, and air transportation services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation 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 388. Introduced by Bernard-Stevens, 42nd District.

PURPOSE: The purpose of this resolution is to ascertain the need, if any, for additional judicial resources in the separate juvenile courts

of Nebraska or for any other changes to improve the operation of the separate juvenile courts in this state. The Judiciary Committee of the Legislature shall initiate contact with the Supreme Court for purposes of conducting this study. To implement this study, the Judiciary Committee of the Legislature may appoint a special task force to undertake the study. Such study shall include, but not be limited to, the following:

(1) The method of identifying and numbering each case;

(2) The number of cases processed by each of the separate juvenile courts during the past five years;

(3) The dates, lengths, and number of hearings conducted in each case;

(4) The length of time children are held in detention, in temporary foster care, or in other facilities before a hearing is conducted on the merits of the case;

(5) The average amount of time cases are pending in each of the separate juvenile courts; and

(6) Any other area necessary to accomplish the purposes of this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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 389. Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to study the data system describing the elementary and secondary school system of the state. In the Legislative Resolution 181 study report, it was found that the state has a need to improve the collection, analysis, and distribution of data describing the quality, efficiency and performance of Nebraska schools. The purpose of the study is to provide legislative direction to the State Department of Education in revamping its data system to provide usable information to local and state education policy makers consistent with the goals of enhanced

accountability to the public, parents, and taxpayers for effective school evaluation, diagnosis, and improvement.

The study should address the adequacy of current measures of indicators of the educational inputs, processes, and outcomes, including, but not limited to: The learning environment, pupil capabilities and difficulties, resources available to school districts, educational goals and opportunities, pupil participation, and pupil outcomes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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.

LEGISLATIVE RESOLUTION 390. Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to study aid and assistance available to students attending Nebraska institutions of postsecondary education. The study shall provide: (1) An assessment of student aid currently available from all sources, including direct and indirect state assistance, federal assistance, institutional assistance, and private-sector assistance; (2) an estimation of unmet needs for student assistance with a focus on those groups of students with the greatest unmet needs; and (3) a compilation and analysis of alternative mechanisms to provide student assistance including state tax-exempt savings accounts, prepaid tuition plans, and other programs being developed by other states, postsecondary institutions, the federal government, and the student assistance lending industry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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 391. Introduced by Withem, 14th District; Bernard-Stevens, 42nd District.

PURPOSE: The purpose of this resolution is to establish a study of the methods by which the state may encourage the internal restructuring of schools in order to promote quality and innovation. The second wave of educational reform which is now covering the nation has seriously brought into question the utility of the industrial model of education in the information age. Many experts have suggested that true reform will occur only within the context of organic changes in school structure and leadership.

The attributes of school restructuring include: Decentralized, individual-school-based decision making; greater involvement of teachers, parents, and communities in the planning and setting of priorities; flexible use of time; personalization of the school environment; and an emphasis on higher-order thinking skills. One specific goal of the study shall be to assess the extent to which current rules and regulations may inhibit creativity and experimentation with restructuring by school boards, teachers, administrators, parents, students, and community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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.

LEGISLATIVE RESOLUTION 392. Introduced by Withem, 14th District; Korshoj, 16th District.

PURPOSE: The purpose of this resolution is to study the current system by which legal opinions are requested by members of the Legislature and rendered by the office of the Attorney General. The study should address the utility, promptness, impartiality, and quality of legal opinions to members of the Legislature. In addition, the study should consider methods by which the Legislature may focus

or limit requests for legal opinions in order to address the problem of the high volume of opinions requested of the Attorney General who has limited resources and staff available to answer such requests.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Executive Board 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 COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 377, 1157, and 1220.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 377
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0257

1. In the Moore amendment, AM2067, adopted February 25, 1988, on page 1, lines 3 and 13, the first "and" has been struck; in line 4 the period has been struck and "'.

2. On page 3, line 12; page 4, line 7; page 5, line 11; page 10, line 25; and page 12, line 5, after the period insert'" inserted; in lines 8 to 9 and 18 "The court" has been struck; in line 10 "2" has been struck and "3" inserted; in line 12 "3" has been struck and "4" inserted; and in line 14 the period has been struck and "'; and in line 2 after the period insert'" inserted.

2. In lieu of the Hall amendments 1 and 2 adopted February 25, 1988, found on page 1011 of the Journal, on page 6, line 9; and page 13, line 4, "the ten-year period shall be computed from the date of the prior offense to the date of the offense which resulted in the current conviction and" has been inserted after the comma.

Enrollment and Review Change to LB 1157
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0287
1. In the Landis amendment, AM2663, adopted March 21, 1988:
a. On page 1, line 9, "A" has been struck and "The" inserted; in line 11 "shall pay" has been struck and "pays" inserted; and in line 18 "shall file" has been struck and "files" inserted; and
b. On page 2, line 6, "shall pay" has been struck and "pays" inserted; in line 10 "subsection" has been struck and "subdivision" inserted; and in line 14 "pay" has been inserted after "and".
2. On page 3, line 22, "subsection (5)" has been struck and "subsections (5) and (6)" inserted.

Enrollment and Review Change to LB 1220
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0286
1. In the Landis et al. amendment, AM2664, adopted March 21, 1988, on page 6, line 3, the comma has been struck.
2. On page 1, line 1, "companies" has been struck; and in line 3 "a provision" has been struck and "provisions" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 1232. Mr. Hall renewed his pending amendment, AM2687, found in the Journal on page 1631 to the pending Standing Committee amendments.

PRESIDENT NICHOL PRESIDING

MS. SCOFIELD PRESIDING

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. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Landis requested a roll call vote on the Hall amendment.

Voting in the affirmative, 24:

Ashford	Conway	Hall	Labedz	Schmit
Baack	Dierks	Hartnett	Langford	Smith
Campbell	Elmer	Johnson, R.	Lynch	Weihing
Chambers	Goodrich	Johnson, V.	Moore	Withem
Chizek	Haberman	Korshoj	Rogers	

Voting in the negative, 23:

Abboud	Coordsen	Lamb	Nelson	Scofield
Barrett	Hannibal	Landis	Peterson	Warner
Bernard-Stevens	Hefner	Marsh	Pirsch	Wehrbein
	Johanns	Miller	Remmers	Wesely
Beyer	Johnson, L.	Morehead	Schellpeper	

Absent and not voting, 1:

Higgins

Excused and not voting, 1:

McFarland

The Hall amendment was adopted with 24 ayes, 23 nays, 1 absent and not voting, and 1 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Messrs. Conway and Ashford asked unanimous consent to print the following amendment to LB 1178 in the Journal. No objections. So ordered.

AM2739

(Amendments to Standing Committee amendments, AM2262)

1. On page 1, line 9, after the first comma insert "line 2, after 'fault' insert ', including an action based upon an act or omission giving rise to strict liability in tort,'; in" and strike the last comma.

2. On page 3, line 1, strike "or".

3. On page 4, line 17, strike "workers" and insert "workers'".

4. On page 5, strike line 7 and insert "'section'; and in line 21 after the last comma insert 'and also section 25-21,185, Reissue Revised Statutes of Nebraska,'.".

Mr. Warner asked unanimous consent to print the following amendment to LB 684 in the Journal. No objections. So ordered.

AM2724

(Amendments to Final Reading copy)

1. On page 1, strike lines 1 through 10, and insert "FOR AN ACT relating to collective bargaining; to amend section 81-1373, Revised Statutes Supplement, 1987; to change a provision relating to membership in a bargaining unit; to harmonize provisions; and to repeal the original section, and also section 48-816, Revised Statutes Supplement, 1987, as amended by section 1, Legislative Bill 519, Ninetieth Legislature, Second Session, 1988.".

2. Strike the original sections and insert the following new sections:

"Section. 1. That section 81-1373, Revised Statutes Supplement, 1987, be amended to read as follows:

81-1373. (1) For the purpose of implementing the state employees' right to organize for the purpose of collective bargaining, there are hereby created twelve bargaining units for all state agencies except the University of Nebraska, the Nebraska state colleges, and other constitutional offices. The units shall

consist of state employees whose job classifications are occupationally and functionally related and who share a community of interest. The bargaining units shall be:

(a) Maintenance, Trades, and Technical, which unit is composed of generally recognized blue collar and technical classes, including highway maintenance workers, carpenters, plumbers, electricians, print shop workers, auto mechanics, engineering aides and associates, and similar classes;

(b) Administrative Support, which unit is composed of clerical and administrative nonprofessional classes, including typists, secretaries, accounting clerks, computer operators, office service personnel, and similar classes;

(c) Health and Human Care Nonprofessional, which unit is composed of institutional care classes, including nursing aides, psychiatric aides, therapy aides, and similar classes;

(d) Social Services and Counseling, which unit is composed of generally professional-level workers providing services and benefits to eligible persons. Classes shall include job service personnel, income maintenance personnel, social workers, counselors, and similar classes;

(e) Administrative Professional, which unit is composed of professional employees with general business responsibilities, including accountants, buyers, personnel specialists, data processing personnel, and similar classes;

(f) Protective Service, which unit is composed of institutional security personnel, including correctional officers, building security guards, and similar classes;

(g) Law Enforcement, which unit is composed of employees holding powers of arrest, including Nebraska State Patrol officers and sergeants, game wardens, fire marshal personnel, and similar classes;

(h) Health and Human Care Professional, which unit is composed of community health, nutrition, and health service professional employees, including nurses, doctors, psychologists, pharmacists, dietitians, licensed therapists, and similar classes;

(i) Examining, Inspection, and Licensing, which unit is composed of employees empowered to review

certain public and business activities, including driver-licensing personnel, revenue agents, bank and insurance examiners, various public health and protection inspectors, and similar classes;

(j) Engineering, Science, and Resources, which unit is composed of specialized professional scientific occupations, including civil and other engineers, architects, chemists, geologists and surveyors, and similar classes;

(k) Teachers, which unit is composed of employees required to be licensed or certified as a teacher; and

(l) Supervisory, which unit is composed of employees who are supervisors as defined in section 48-801.

All employees who are excluded from bargaining units pursuant to the Industrial Relations Act and all employees of the Department of Personnel shall be excluded from any bargaining unit of state employees.

(2) Any employee organization, including one which represents other state employees, may be certified or recognized as provided in the Industrial Relations Act as the exclusive collective-bargaining agent for a supervisory unit, except that such unit shall not have full collective-bargaining rights but shall be afforded only meet-and-confer rights.

(3) It is the intent of the Legislature that professional and managerial employee classifications and office and service employee classifications be grouped in broad occupational units for the University of Nebraska and the Nebraska state colleges established on a university-wide or college-system-wide basis, including all campuses within the system. Any unit entirely composed of supervisory employees of the University of Nebraska or the Nebraska state colleges shall be afforded only meet-and-confer rights. The bargaining units for academic, faculty, and teaching employees of the University of Nebraska and the Nebraska state colleges shall continue as they exist on April 9, 1987, and any adjustments thereto or new units therefor shall continue to be determined pursuant to the Industrial Relations Act.

(4) Other constitutional offices shall continue to subscribe to the procedures for unit

determination in the Industrial Relations Act, except that the commission is further directed to determine the bargaining units in such manner as to (a) reduce the effect of overfragmentation of bargaining units on the efficiency of administration and operations of the constitutional office and (b) be consistent with the administrative structure of the constitutional office. Any unit entirely composed of supervisory employees of a constitutional office shall be afforded only meet-and-confer rights.

Sec. 2. That original section 81-1373, Revised Statutes Supplement, 1987, and also section 48-816, Revised Statutes Supplement, 1987, as amended by section 1, Legislative Bill 519, Ninetieth Legislature, Second Session, 1988, are repealed.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 393. Introduced by Johanns, 27th District; Schmit, 23rd District; Withem, 14th District; Campbell, 22nd District.

PURPOSE: To study the issuance of driver's licenses to persons utilizing bioptic lenses to drive using specific visual acuity measurements. The Department of Motor Vehicles has not adopted rules and regulations to authorize the use of bioptic lenses for operation of a motor vehicle. The study shall include, but not be limited to:

(1) Recommendations for standards for application, training, and drive test requirements for persons who utilize bioptic lenses to drive;

(2) An examination of professional guidelines relative to the use of carrier and bioptic lenses taking into consideration the visual acuity measurement required to safely operate a motor vehicle;

(3) An examination of and estimate of the number of people in the state who require bioptic lenses to drive;

(4) An examination of possible training requirements for both the driver and examiner in the use of bioptic lenses;

(5) An examination of and determination of the possibility of an alternative drive test that may be required for individuals requiring bioptic lenses; and

(6) An examination of the fiscal impact to the state for testing and retesting persons using bioptic lenses to drive including, but not limited to, additional staff requirements and training for the staff and the cost of additional testing and retesting.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 394. Introduced by Morehead, 30th District.

PURPOSE: The purpose of this resolution is to study the appropriate minimum training and education needed for school nurses in addressing the health problems particular to the school setting.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 395. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to evaluate the child care system in Nebraska and identify public and private solutions to improve the quality, affordability, and availability of child care. Child care has become an increasing concern of parents, businesses, schools, and all segments of society. This study may include the following issues:

(1) How to establish, maintain, and fund information and referral services;

(2) The adequacy of Title XX funding for child care both in terms of the payment levels and the income guidelines in order to be eligible for services;

(3) Ways to encourage child care providers to participate in the food program and to identify barriers to the use of the program;

(4) Methods to insure education and ongoing training for child care workers;

(5) Identification of the child care needs of special needs children;

(6) The needs of at-risk families and how to meet those needs;

(7) The salaries of child care workers and how to provide increased compensation;

(8) The possibilities and the benefits of accreditation for child care facilities and child care workers;

(9) Ways to insure that parents are educated in the need for quality child care;

(10) New sources of funding to start and maintain child care facilities and programs;

(11) The need for and the provision of liability insurance;

(12) Child care needs of teen parents and ways to meet that need;

(13) How to insure and provide transition services, especially child care for persons leaving the Aid to Dependent Children's Program;

(14) How to meet the needs for child care of minority populations;

(15) The feasibility of parental leave;

(16) The benefits and costs of Head Start expansion;

(17) The encouragement of various options for employer-sponsored child care;

(18) Mechanisms to encourage the provision of developmentally appropriate care;

(19) How to increase the availability of newborn care;

(20) The need for and the appropriate mechanism for background checks of child care personnel;

(21) Ways to encourage the licensure of child care and to identify unlicensed care; and

(22) Examination of what types of caregiver arrangements should be licensed and what standards should apply.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services 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 396. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this study is to determine the needs of caregivers for the elderly. It is estimated that over eighty percent of the care given to frail, elderly persons is provided by family and friends. There is an increasing awareness that this valuable resource of individual caregivers needs support from the public and private sectors. The study shall include but not be limited to:

(1) An analysis of the need for services including respite care allowances and support for inhome services;

(2) An identification of methods available for information and referral; and

(3) Other needs of caregivers for the frail, elderly.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services 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 397. Introduced by Nelson, 35th District.

PURPOSE: The purpose of this resolution is to analyze Nebraska's participation in the federal Juvenile Justice and Delinquency Prevention Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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 398. Introduced by Wesely, 26th District.

PURPOSE: In 1986, LB 965 was enacted which mandates that the Department of Economic Development create and keep current a comprehensive and long-term strategy for economic development and develop an independent program of performance review of the activities of the department. The purpose of this study is to review the Department of Economic Development's progress in developing a comprehensive long-term strategy for economic development in the state and a program of performance review.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 399. Introduced by R. Johnson, 34th District.

PURPOSE: There are certain segments of Nebraska's system of rivers and streams which, in their present state possess great scenic beauty, provide important wildlife habitat, and offer valuable recreation opportunities for our citizens. The intrinsic value of these river and stream segments and the heritage they represent for future generations are such that Nebraskans should, as a matter of public policy, give consideration to preserving and protecting them in their present state. There is a need, therefore, to examine Nebraska's system of rivers and streams for the purpose of identifying those which may merit such protection and preservation and to identify and consider the social and economic costs and benefits of this preservation and protection.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources 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 400. Introduced by Lynch, 13th District.

PURPOSE: The purpose of this resolution is to study the feasibility of state licensure of stationary engineers in order to ensure the safe operation of boilers. In the past several years there have been cases of boiler explosions due to faulty boilers and inexperienced operators. While Nebraska provides for the inspection of boilers, it does not have requirements for boiler operators. State licensure of stationary engineers would establish education and performance criteria for boiler operators for the health and safety of Nebraskans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 401. Introduced by Lynch, 13th District.

PURPOSE: The purpose of this resolution is to study the feasibility of the State of Nebraska becoming fiscally responsible for the provision of medical, health, and hospital care and services to medically indigent persons. Particular attention should be given to studying (1) the property tax burden that is imposed upon county government to provide such medical, health, and hospital care and services, (2) whether such property tax burden can be alleviated through the state takeover of funding such medically indigent services, and (3) whether there are efficiencies and economies that can be gained by the state operating and administering the medicaid program and providing medical, health, and hospital care and services for the medically indigent.

These issues have been reviewed and continue to need review by the Legislature to determine the appropriate legislative responses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 402. Introduced by Baack, 47th District; Abboud, 12th District.

PURPOSE: The purpose of this resolution is to examine the issue of state and local government competition with private enterprise and to identify activities and functions currently performed by state and local governments which could be more efficiently or economically provided by contracting out such activities and functions to the private sector. This study shall determine what changes, if any, are needed to reduce the level of state and local government competition with private enterprise and to determine areas in which contracting out the provision of goods and services by state and local governments to the private sector is in the best interest of state and local government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2748

(Amendments to AM2692)

1. On page 3, line 5, strike "twenty" and insert "twelve".

PRESIDENT NICHOL PRESIDING

SELECT FILE

LEGISLATIVE BILL 1232. Messrs. V. Johnson and Hall renewed their pending amendment, AM2628, found in the Journal on page 1631 to the Standing Committee amendments.

The V. Johnson-Hall amendment was adopted with 23 ayes, 11 nays, 14 present and not voting, and 1 excused and not voting.

Mr. Landis renewed his pending amendment, AM2688, found in the Journal on page 1632 to the Standing Committee amendments.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Johanns asked unanimous consent to be excused. No objections. So ordered.

Mr. Hartnett 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. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Landis amendment lost with 10 ayes, 21 nays, 15 present and not voting, and 3 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely and Mrs. Higgins asked unanimous consent to print the following amendment to LB 1041 in the Journal. No objections. So ordered.

AM2731

(Amendments to AM2250)

1. On page 8, line 5, strike "57,051,394" and insert "57,171,394"; in line 9 strike "133,521,272" and insert "133,641,272"; and in line 12 strike "$57,051,394" and insert "$57,171,394".

2. On page 9, line 4, after the semicolon insert "in line 10 strike '2,961,487' and insert '2,781,487' and strike '3,437,292' and insert '3,257,292'; in line 13 strike '15,947,933' and insert '15,767,933' and strike '16,423,738' and insert '16,243,738';"; and in line 15 after the quotation marks insert:

"(s) Disabled Persons and Family Support

	FY1987-88	FY1988-89
GENERAL FUND	180,000	300,000
TOTAL	180,000	300,000"

and strike "(s)" and insert "(t)".

3. On page 10, line 18, before the first quotation marks insert:

"Notwithstanding the provisions of Laws 1987, LB 780, section 94, the General Funds in the Disabled Persons and Family Support Program may be utilized to match, as a condition of acceptance of grants from individuals, organizations, corporations, and similar entities and from federal and nonfederal governmental entities.

The Department of Social Services is requested to report to the Legislature on the number of persons served by the Disabled Persons and Family Support Program, the types of services provided, the cost of those services and any actual or potential savings to the Medicaid Program because of the services provided by this program."; in line 20 strike "88,582,857" and insert "88,462,857"; and in line 23 strike "233,814,972" and insert "233,694,972".

4. On page 11, line 2, strike "$88,382,857" and insert "$88,262,857".

RESOLUTIONS

LEGISLATIVE RESOLUTION 403. Introduced by Moore, 24th District.

PURPOSE: The purpose of this resolution is to examine and analyze the process which the Department of Social Services uses to refer children to foster care or to public and private institutions with whom it contracts. The passage of Laws 1987, LB 637, indicated a policy of placing children in foster homes. Taking into consideration a possible shortage of foster homes in the state, an examination of that process must be done to develop alternative strategies. This study shall include, but not be limited to, the study of federal law and other states laws as well as interpretation of those laws. Also included in this study should be an examination of referral programs in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services 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 404. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Bernard-Stevens, 42nd District; Beyer, 3rd District; Goodrich, 20th District; Lynch, 13th District; Morehead, 30th District; Schellpeper, 18th District.

PURPOSE: The State of Nebraska is affected fiscally and socially by the need for and provision of human service programs and by the health status of its citizens. These human service and health issues include, but are not limited to: Acquired Immune Deficiency Syndrome; certificate of need; cost containment for health care services; availability of nurses; discipline for chemically impaired professionals; emergency medical services; health care for the medically indigent; laboratory testing; long-term care for the elderly; maternal and infant care; medical record access; mental health; mental retardation; substance abuse; poverty; regulation of new health professions; rural health care availability; teenage pregnancy; asbestos removal; and work and training mandates for recipients of public aid. These issues have been reviewed and continue to need review by the Legislature to determine the appropriate legislative responses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 405. Introduced by Moore, 24th District.

PURPOSE: The purpose of this resolution is to study the quality of education in Nebraska elementary and secondary schools and to examine various methods which might be utilized to measure or improve the quality of education in such schools. This study shall include, but not be limited to, examination of student testing and various concepts of merit pay and master teacher programs as methods of measuring the quality of education and instruction in Nebraska. This study shall be conducted by the Education Committee of the Legislature, and the committee shall appoint an ad hoc advisory committee of business persons, members of the educational community, and interested citizens to aid it in assessing the need for accountability and improvement in elementary and secondary education.

The taxpayers of this state are demanding a system of primary and secondary education which is accountable to them. Such accountability in education is necessary before the taxpaying citizens will be amenable to further increases in funding for elementary and secondary education in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 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 406. Introduced by Moore, 24th District.

PURPOSE: The purpose of this resolution is to examine and analyze the process for the titling, licensing, and registering of motor vehicles in the state. County officials have been interpreting difficult statutes and are looking for the Legislature to make clear laws relating to these areas. This study shall include, but not be limited to, (1) the process of titling, licensing, and registering vehicles, (2) possible clarification and codification of statutes relating to these areas, and (3) other procedures and regulations indirectly relating to these areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation 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 407. Introduced by Moore, 24th District.

PURPOSE: The purpose of this resolution is to study all-terrain vehicles and their usage on the roads of the State of Nebraska. Taking into consideration all aspects of safety set forth by the federal government and laws existing in this state, the intent of this resolution is to formulate public policy which allows for the usage of all-terrain vehicles on the road in the safest way to protect the interest of those who own and wish to use these viable vehicles in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study for 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 408. Introduced by Moore, 24th District.

PURPOSE: The purpose of this resolution is to examine and study the pornography laws of other states and of the federal government in an attempt to determine good public policy in this area for the State of Nebraska. It is the top priority of the state to protect, yet not infringe upon, the people of the state regarding published materials. A study of pornography laws in other states will allow us to look at other areas in the nation and help determine problem areas which may need to be addressed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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 this study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 409. Introduced by Chambers, 11th District; Baack, 47th District; Conway, 17th District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to cause a detailed study of the mission, role, organization, governance, oversight, and operation of the Nebraska State Historical Society. In recent years, controversy has arisen regarding the role and governance of the Nebraska State Historical Society. Occasional attention has been given, on a piece-meal basis, to a variety of issues pertaining to the society. In 1980, the Governor's Task Force for Government Improvement suggested that the historical society be converted to a code agency. In 1985, an interim study of the Legislature focused attention upon the organizational structure of the historical society and questions have also arisen from time-to-time regarding the jurisdiction of the historical society over historical sites and artifacts. Although there have been occasional changes in the state statutes concerning the historical society, there has never been a comprehensive enactment of statutes pertaining to the operation,

organization, governance, and oversight of the historical society. There has not been a detailed interim study of and a report issued on the Nebraska State Historical Society since 1944.

It is the intent of this resolution to cause a detailed and comprehensive study of the mission, role, organization, governance, oversight, and operation of the Nebraska State Historical Society. Particular attention shall be given to the proper mission of the historical society, the role of the historical society in state government, the organization of the historical society, the proper role of the Legislature and the Governor in the oversight of the historical society, the need for legislation which includes additional provisions regarding the governance, organization, and operation of the historical society, the proper role of the bylaws of the historical society and the relationship of those bylaws to statutory provisions, the management of funds received by the historical society in the form of gifts and donations, the relationship of the historical society to the Historical Society Foundation, and the jurisdiction of the historical society over historic sites and artifacts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a select committee, appointed by the Executive Board of the Legislative Council, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the select 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 410. Introduced by Wesely, 26th District; McFarland, 28th District; Landis, 46th District; Marsh, 29th District; Warner, 25th District.

PURPOSE: The purpose of this study is to review new information and developments regarding the 1983 collapse of Commonwealth Savings Company. The study is needed because:

(1) It is important for the citizens of the State of Nebraska to have confidence in their financial institutions and in their state regulatory system;

(2) Commonwealth Savings Company, an industrial loan and investment company, was determined to be insolvent by the Department of Banking and Finance on November 1, 1983;

(3) The Nebraska Depository Institution Guaranty Corporation Act provided for a guarantee of the deposits of industrial loan and investment companies;

(4) Over three years have elapsed since the Legislature's Special Commonwealth Committee issued its report on the collapse of Commonwealth;

(5) Numerous follow-up Commonwealth-related investigations, trials, and actions have developed new information since this report was issued by the Special Commonwealth Committee;

(6) It is in the best interest of the State of Nebraska to have the Legislature review this new information so that we might know the full truth about the Commonwealth case; and

(7) It is important to reconsider and update the 1984 Commonwealth report to reflect the new information which has been revealed since the report was issued.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council conduct an interim study to review new information and developments regarding the 1983 collapse of Commonwealth Savings Company and update the subsequent 1984 Final Report of the Special Commonwealth Committee of the Eighty-eighth Legislature, Second Session.

2. That the Executive Board of the Legislative Council report to the next session of the Legislature its findings and recommendations.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 411. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Johanns, 27th District; R. Johnson, 34th District; Labedz, 5th District; Lamb, 43rd District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to authorize a study of issues relating to the transportation, storage, and disposal of low-level radioactive waste including, but not limited to, problems associated with development and determination of community consent for facility siting, landowner compensation for loss of property value, liability issues, dissemination of information to and from the public, and related issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee may 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 412. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Johanns, 27th District; R. Johnson, 34th District; Lamb, 43rd District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to authorize a study of underground storage tank regulation and related issues in the State of Nebraska.

Regulations promulgated by the federal Environmental Protection Agency compel a review of current state regulation and, if necessary and appropriate, the development of statutory language that would bring our regulatory structure into conformity with federal requirements in a manner that is reasonable and adaptable to current problems and practices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee may 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 413. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Johanns, 27th District; R. Johnson, 34th District; Labedz, 5th District; Lamb, 43rd District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to authorize a study of issues relating to the operation of agencies involved in the provision of services related to soil and water conservation. The study shall include, but not be limited to, a review of budget

expenditures, efficiency, project prioritization, funding, and related issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee may 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 414. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Johanns, 27th District; R. Johnson, 34th District; Labedz, 5th District; Lamb, 43rd District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to study issues regarding storage, transportation, management, and disposal of waste products and materials in the State of Nebraska;

The study shall include, but not be limited to:

(1) Issues related to low-level radioactive waste, including current compact developments, facility financing and insurance, third-party liability, and other related issues;

(2) Solid waste disposal, with particular attention to facility financing;

(3) Hazardous waste disposal, with particular attention to the issue of local input and control;

(4) Recycling of waste products;

(5) Usage of certain returnable containers;

(6) Superfund;

(7) Ground and surface water pollution issues;

(8) Waste water treatment; and

(9) Any other related issues deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee may 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 415. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Johanns, 27th District; R. Johnson, 34th District; Labedz, 5th District; Lamb, 43rd District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to provide for a study of pertinent issues regarding water and other natural resources in the State of Nebraska.

The study shall include, but not be limited to:

(1) Ground and surface water transfers and marketing;

(2) Soil and water conservation and development;

(3) Financing urban and rural soil and water conservation practices and developments;

(4) Demographic and geographic structure of natural resources districts and related districts;

(5) Drainage, flooding, erosion, and sedimentation problems;

(6) Recreational use of Nebraska's land and water resources; and

(7) Any other natural resources issue deemed necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee may 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 416. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Johanns, 27th District; R. Johnson, 34th District; Labedz, 5th District; Lamb, 43rd District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to authorize a study of issues relating to energy usage in the State of Nebraska.

The study shall include, but not be limited to:

(1) The role and structure of public power in Nebraska;

(2) The feasibility of alternative fuel sources for motor vehicles as well as stationary power plants;

(3) Issues relating to the development, financing, and promotion of the ethanol fuels industry;

(4) Future demands for energy and the state's ability to meet those demands; and

(5) Any other related issues deemed relevant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee may 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

Messrs. Landis and Ashford asked unanimous consent to print the following amendment to LB 1083 in the Journal. No objections. So ordered.

AM2747

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature hereby finds and determines that the state and its political subdivisions may achieve interest and issuance cost savings, as well as better coordination and utilization of available federal and state assistance programs, by conducting their normal borrowings through joint arrangements and that such joint arrangements may be in the interest of the state and its citizens. The purpose of this act is to authorize political subdivisions, as well as the Nebraska Investment Finance Authority, to develop alternative joint-financing programs. However, this act is not intended to enlarge or diminish the authority of a political subdivision to issue or incur obligations or

acquire property or to change the existing requirements or restrictions pertaining to a political subdivision. All such programs are to be conducted for the benefit of the citizens of the state and the affected political subdivision generally and specifically for the public purposes set forth in this act and not for the primary benefit of any single person or organization.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Association shall mean any entity created under an interlocal agreement between political subdivisions or between political subdivisions and the authority;

(2) Authority shall mean the Nebraska Investment Finance Authority; and

(3) Political subdivision shall mean the state or any county, municipality, city, town, village, township, school district, or other district or political subdivision of the state.

Sec. 3. Any two or more political subdivisions may enter into an interlocal agreement in accordance with the Interlocal Cooperation Act and, pursuant to the act, may form an association which may exercise any power granted to the authority in section 4 of this act for the benefit of and with respect to the political subdivisions which are a party to such interlocal agreement.

Prior to carrying out any such power, the participating political subdivisions shall adopt and promulgate rules and regulations governing such activities, including, but not limited to, any or all of the following:

(1) How the activities will effectuate the public purposes of the participating political subdivisions;

(2) The nature and amount of fees, if any, to be charged to provide for expenses and reserves;

(3) Participation in any related federal or state funding programs;

(4) Such requirements as are appropriate to ensure that the exercise of such power is prudent and reasonable; and

(5) Any other matters related to the duties or exercise of the power granted by this section.

Any such exercise of cooperative authority is intended to be self-supporting, and no money derived directly or indirectly from taxes may be used to pay any costs or expenses incurred in connection with such activities. The interlocal agreement shall provide for the employment of an independent person experienced in financial matters to monitor the ongoing compliance of the participating political subdivisions with all covenants pertaining to such political subdivisions.

Sec. 4. (1) To assist political subdivisions in financing their governmental activities, the authority may, but only upon entering into a joint-financing agreement pursuant to the Interlocal Cooperation Act with each political subdivision participating in each particular joint-financing arrangement with the authority, (a) cooperate with such participating political subdivisions, (b) make loans to such participating political subdivisions, (c) purchase, pledge, or sell obligations of political subdivisions which are parties to such respective interlocal agreements, and (d) in conjunction with the sale of bonds of the authority and pursuant to such joint-financing agreement, acquire by sale, lease, or otherwise any real or personal property or equipment for lease, sale, or other financial contractual arrangement with such participating political subdivisions. These powers are intended to enable the authority to develop alternative financing programs for political subdivisions and in no way enlarge or diminish the authority of a political subdivision to issue or incur obligations or acquire property or change the requirements or restrictions pertaining to a political subdivision.

(2) Prior to carrying out any such power, the authority shall adopt and promulgate, for each joint-financing arrangement, rules and regulations governing such activities, including rules and regulations relating to any or all of the following:

(a) How the activities will effectuate the public purposes of the authority;

(b) The nature and amount of fees, if any, to be charged by the authority to provide for expenses and reserves of the authority;

(c) Participation in any related federal or

state funding programs; and

(d) Any other matters related to the duties or exercise of the power granted by this section.

Sec. 5. The authority or any association may invest any funds derived from the issuance of its bonds for each joint-financing agreement in higher-yielding obligations which may from time to time be legally purchased by governmental subdivisions of this state pursuant to section 77-2341 or in any obligations permitted by the indenture or resolution securing the related bonds, so long as any such earnings in excess of those necessary to pay debt service on the bonds and such program costs of the authority or association, as the case may be, permitted by the governing joint-financing agreement are returned to the participating political subdivisions in direct proportion to the amount which each respective participating political subdivision's obligation under the governing joint-financing agreement bears to the total size of such bonds. Any participating political subdivision which issues bonds, a portion of which constitute a reserve for the benefit of its obligations under the joint-financing agreement, upon the payment of its obligations to the joint-financing agreement, shall receive a refund in full of its reserve together with all earnings thereon.

Sec. 6. Neither the authority nor any association shall issue bonds in an amount which exceeds, by more than twenty-five percent, the amount of obligations which will be purchased by the authority or the association under a joint-financing agreement and be actually issued by the participating political subdivisions within one hundred twenty days of the date of issuance of the authority's or association's bonds in accordance with the particular joint-financing agreement and the reasonable costs of the issuance of the authority's or association's bonds plus an amount for a bond reserve fund not to exceed the greater of ten percent of the net proceeds of the authority's or association's bonds or one year of average annual debt service on such bonds. For the purpose of this subsection, average annual debt service shall be computed upon the bonds issued under a joint-financing arrangement as if such bonds were amortized annually on

an even basis to the stated maturity.

Proceeds of bonds issued pursuant to a joint-financing arrangement shall be used to purchase obligations at, above, or below par from such participating political subdivisions as are parties to the particular joint-financing arrangement as of the date of the issuance of the bonds by the authority or association and only within one hundred twenty days of the issuance of such bonds. The maturity of the bonds authorized to be issued pursuant to this act shall not be less than one year nor exceed by more than one year the maturity of the underlying obligations.

Sec. 7. If the authority or association determines that the rates of interest to be received upon the deposits described in this section are comparable to the prevailing rates offered generally within the State of Nebraska, it shall offer to deposit the proceeds from the sale of its respective bonds issued pursuant to a joint-financing arrangement and any money which constitute sinking funds for its respective bonds issued pursuant to such joint-financing arrangement in such qualifying depositories as may be found within the geographical boundaries of the political subdivisions participating in each respective joint-financing arrangement. For purposes of this section, qualifying depository shall mean a depository which is otherwise qualified to receive funds of any political subdivision of the state. If no such qualifying depository may be found within the geographical limits of any of the participating political subdivisions, then the proceeds from such bonds or such sinking fund money shall be deposited in such other qualifying depository as may be located within the state. If the bonds issued pursuant to a joint-financing arrangement are to be rated by a national rating agency, such a deposit shall not be required if such deposit results in the reduction or loss of such rating.

Sec. 8. The dollar amount of all bonds issued by the authority under this act shall not exceed the sum of forty million dollars for each of the calendar years 1988, 1989, and 1990 nor forty-five million dollars for each of the calendar years 1991 and 1992. In addition, the authority may issue such amount of bonds as is

necessary to refund any bonds theretofore issued or to carry out any federal or state program requiring an issuer with statewide jurisdiction. The dollar amount of all bonds issued under this act by an association formed pursuant to the Interlocal Cooperation Act in any one year shall not exceed the sum of ten million dollars.

Sec. 9. Neither the authority nor any association shall issue any obligations or initiate any other joint-financing arrangements contemplated by this act after December 31, 1992.

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.".

EASE

The Legislature was at ease from 4:06 p.m. until 4:48 p.m.

UNANIMOUS CONSENT - Members Excused

Messrs. Hannibal, McFarland, Chambers, Haberman, Moore, Mesdames Higgins, and Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Smith asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 881. Title read. Considered.

SPEAKER BARRETT PRESIDING

Messrs. V. Johnson and Wesely moved to indefinitely postpone LB 881.

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. Abboud requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 24:

Ashford	Chambers	Hartnett	Lynch	Schmit
Baack	Chizek	Johnson, V.	Marsh	Scofield
Barrett	Conway	Korshoj	Nelson	Weihing
Bernard-Stevens	Dierks	Labedz	Remmers	Wesely
	Hall	Landis	Rogers	Withem

Voting in the negative, 17:

Beyer	Hannibal	Lamb	Moore	Schellpeper
Coordsen	Hefner	Langford	Morehead	Warner
Elmer	Johnson, L.	Miller	Peterson	Wehrbein
Goodrich	Johnson, R.			

Present and not voting, 2:

Abboud	Campbell

Excused and not voting, 6:

Haberman	Johanns	McFarland	Pirsch	Smith
Higgins				

The V. Johnson-Wesely motion to indefinitely postpone prevailed with 24 ayes, 17 nays, 2 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 1091 in the Journal. No objections. So ordered.

AM2736

(Amendments to AM2728)

1. On page 2, after line 22 insert the following new subsection:

"(2) After the distributions have been made pursuant to subsection (1) of this section, on August 31, 1988, the State Treasurer shall distribute from the Railroad and Car Company Personal Property Tax

Reimbursement Fund to all subdivisions which levy a property tax, excluding school districts, cities, counties, natural resource districts, and technical community colleges, as reimbursement for the dollar loss resulting from the injunction granted to the railroads in the discrimination lawsuit for tax year 1987, an amount equal to the tax loss due to such injunction as determined by the Tax Commissioner.

If the amount appropriated is not sufficient to cover the reimbursement provided for in this subsection, the amount shall be prorated as determined by the Tax Commissioner."; and in line 23 strike "(2)" and insert "(3)".

2. On page 3, line 2, strike "subsection (1)" and insert "subsections (1) and (2)"; in line 15 strike "(3)" and insert "(4)"; and in line 20 strike "(4)" and insert "(5)".

RESOLUTION

LEGISLATIVE RESOLUTION 417. Introduced by Schellpeper, 18th District; Scofield, 49th District.

PURPOSE: The purpose of this resolution is to undertake a study of financial and liability issues relating to radioactive waste disposal.

This study is necessary because:

(1) Nebraska has been chosen to be the host state for the Central Interstate Low-Level Radioactive Waste Compact;

(2) The state and its political subdivisions may be required to bear liabilities which are as yet undetermined. Such potential liabilities should be determined to the degree possible including examination of legal issues, potential remedial action scenarios, and liabilities which have occurred as a result of radioactive waste disposal in other states;

(3) The amount of various funds intended to provide guarantees, compensation, or reimbursement to the state or local political subdivisions and the accounting for such funds is uncertain; and

(4) The economic viability of a radioactive waste facility in the compact needs to be examined.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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.

GENERAL FILE

LEGISLATIVE BILL 1221. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1221A. 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.

Messrs. Coordsen, Beyer, and Remmers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1178. Title read. Considered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 391, 846, 1040, 1040A, 1160, 1235, and 1237.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 1235

The following changes, required to be reported for publication in the Journal, have been made:
ER0288
1. On page 6, line 2, "Facilities" has been struck and "Services" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 1041 in the Journal. No objections. So ordered.

AM2751
1. Insert the following new section:
"Sec. 85. There is hereby appropriated $30,000 from the State Building Fund for the period July 1, 1987, to June 30, 1988, to the Department of Economic Development, for Program 905, to provide funding for the construction and program development of a north Omaha tourism center. The unexpended balance existing in Program 905 on June 30, 1988, is hereby reappropriated for fiscal year 1988-89. The Department of Economic Development may expend funds not utilized for capital construction for initial program development and start-up costs. If funds are used for program development and start-up costs, there shall be no limitation for permanent and temporary salaries and per diems.".
2. Renumber remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 375 in the Journal. No objections. So ordered.

AM2750
(Amendments to Final Reading second)
1. On page 1, strike beginning with "require" in line 10 through line 11 and insert "to provide an application procedure prior to acquisition of a bank as prescribed; to provide duties for the Director of Banking and Finance;".
2. On page 2, strike beginning with "companies" in line 1 through the semicolon in line 3.

3. On page 12, line 21, strike "10" and insert "12".

4. Strike original section 10 and insert the following new sections:

"Sec. 10. A regional out-of-state bank holding company, and on or after January 1, 1991, any bank holding company authorized by section 9 of this act to own or control banks in this state, which desires to make an acquisition as authorized by the Bank Holding Company Act of 1963 shall file an application with the Director of Banking and Finance accompanied by an application fee of five thousand dollars payable to the Department of Banking and Finance. The application shall contain such information as the director may, by rule and regulation, prescribe as necessary or appropriate. The applicant shall furnish to the director all of the following:

(1) Information establishing that the acquisition will promote the safety and soundness of the bank or bank holding company proposed to be acquired, including the subsidiary banks of the bank holding company proposed to be acquired;

(2) Information demonstrating that the applicant intends to adequately meet the convenience and needs of the communities served by the bank or subsidiary banks of the bank holding company proposed to be acquired in accordance with the federal Community Reinvestment Act of 1977 including, when applicable, information relating to the following:

(a) Procedures proposed to be carried out by the bank or subsidiary banks of the bank holding company proposed to be acquired to ascertain the credit needs of the communities served by the bank or subsidiary banks of the bank holding company proposed to be acquired, including the extent of proposed efforts to communicate to such communities the credit services proposed to be provided by the bank or subsidiary banks of the bank holding company proposed to be acquired;

(b) The extent of the proposed marketing and special credit-related programs to be conducted by the bank or subsidiary banks of the bank holding company proposed to be acquired to make the communities served by the bank or subsidiary banks of the bank holding company proposed to be acquired aware of the credit

services proposed to be offered by them;

(c) The extent of proposed participation by the board of directors of the bank or subsidiary banks of the bank holding company proposed to be acquired in formulating the policies and reviewing the performance of the bank or subsidiary banks of the bank holding company proposed to be acquired in meeting the purposes of the federal Community Reinvestment Act of 1977;

(d) The expected geographic distribution of credit extensions, credit applications, and credit denials of the bank or subsidiary banks of the bank holding company proposed to be acquired;

(e) The proposed participation, including investments by the bank or subsidiary banks of the bank holding company proposed to be acquired in local community development and redevelopment projects or programs or innovative agricultural enterprises or crop development programs; and

(f) The expected ability of the bank or subsidiary banks of the bank holding company proposed to be acquired to meet various credit needs of the communities served by the bank or subsidiary banks of the bank holding company proposed to be acquired;

(3) Proposed capital investment, loan, and dividend policies of the applicant, including a discussion of the range of consumer and business services which are proposed to be offered by the bank or subsidiary banks of the bank holding company proposed to be acquired and how the bank or subsidiary banks of the bank holding company proposed to be acquired propose to meet the credit needs of individuals, small business, and agriculture in the communities served by them;

(4) Any plans of the applicant to merge, sell the assets of, or liquidate the bank, bank holding company, or the subsidiary banks of the bank holding company proposed to be acquired or to make any other major change in their business or corporate structure or management;

(5) Information on how the proposed acquisition will result in net new benefits to the communities served by the bank or subsidiary banks of the bank holding company proposed to be acquired; and

(6) Evidence of compliance by the subsidiary banks of the applicant in the states in which they are

located with the federal Community Reinvestment Act of 1977 and any applicable state or community reinvestment statutes or rules.

Sec. 11. (1) The Director of Banking and Finance, within thirty days of receipt of an application by a regional out-of-state bank holding company, or on and after January 1, 1991, by any bank holding company authorized by section 9 of this act to own or control banks in this state, to make an acquisition pursuant to section 10 of this act, shall do one of the following:

(a) Accept the application for processing if it is substantially complete;

(b) Request such additional information as may be necessary to complete the application; or

(c) Return the application if it is substantially incomplete.

(2) If an application is accepted for processing, the Director of Banking and Finance shall immediately notify the applicant that the application is accepted for processing and publish notice of the application.

(3) Within thirty days of acceptance of an application for processing, the Director of Banking and Finance shall conduct an investigation into the condition of the applicant and the bank or bank holding company proposed to be acquired. The director may request additional information from the applicant and require its production as a condition of approval of the application.

(4) The Director of Banking and Finance shall approve or disapprove an application within one hundred twenty days after the filing of the complete application. If the director fails to approve or disapprove the application within one hundred twenty days after the filing of the complete application, it shall be deemed approved.

(5) In deciding whether to approve an application for an acquisition, the Director of Banking and Finance shall consider all of the following:

(a) Whether the subsidiary banks of the applicant are operated in a satisfactory manner;

(b) Whether the financial condition of the applicant or any of its subsidiary banks would jeopardize the financial stability of the bank or bank

holding company proposed to be acquired;

(c) Whether the proposed acquisition would result in a bank that has inadequate capital or poor earnings prospects;

(d) Whether the subsidiary banks of the applicant have provided adequate and appropriate banking services in their communities, including services contemplated by the federal Community Reinvestment Act of 1977 and any applicable state or community reinvestment statutes or rules;

(e) Whether the applicant proposes to provide adequate banking services to meet the needs for banking services of the communities served by the bank or the subsidiary banks of the bank holding company proposed to be acquired, including services contemplated by the federal Community Reinvestment Act of 1977;

(f) Whether the applicant proposes adequate activities to ascertain and adequately meet the credit needs of the communities served by the bank or the subsidiary banks of the bank holding company proposed to be acquired, including the extent of efforts to communicate the availability of all credit services offered;

(g) Whether the applicant has plans or practices which would discourage applications for specific types of loans; and

(h) Whether there is a record of prohibited discriminatory or other illegal practices by the subsidiary banks of the applicant.

(6) The Director of Banking and Finance shall issue an order either approving or disapproving an application. The order shall include findings of fact based upon the application, investigation, public comments, or other submittals or evidence considered. An order disapproving an application shall list the specific reasons for disapproval.

(7) Appeals from a decision of the Director of Banking and Finance shall be pursuant to the Administrative Procedure Act.

Sec. 12. Sections 10 and 11 of this act shall not apply to any out-of-state bank holding company, as defined in 12 U.S.C. 1842(d) as it existed on August 26, 1983, and which on March 12, 1963, owned at least two banks in this state.".

4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 14 fourth, fifth, and sixth grade students and teacher from District 41, Elkhorn; Jim Arneal from North Bend; and former Senator Les Robinson.

ADJOURNMENT

At 5:59 p.m., on a motion by Mr. Hannibal, the Legislature adjourned until 9:00 a.m., Thursday, March 24, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 24, 1988

LEGISLATIVE JOURNAL

FIFTY-FIRST DAY - MARCH 24, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 24, 1988

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Charles A. Richardson, 1st United Methodist Church, North Platte, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Abboud, Ashford, Chambers, V. Johnson, Remmers, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1617, line 8, strike "William E. Nichol" and insert "William E. Barrett".
The Journal for the Forty-Ninth Day was approved as corrected.
The Journal for the Fiftieth Day was approved.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Governor Appointments Wednesday, March 30, 1988 1:00 p.m.

State Board of Health
Robert Shapiro, M.D.
L. E. Voss

Advisory Committee to the Departments of Public Institutions, Social Services and Correctional Services
David T. Calhoun
Stuart L. Wheeler

Foster Care Review Board
Deborah McBride
Richard F. Forrestor

(Signed) Don Wesely, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 418. Introduced by Abboud, 12th District; Peterson, 21st District; Hefner, 19th District.

WHEREAS, George Washington was Commander-in-Chief of the Continental Army and the first President of the United States; and

WHEREAS, Abraham Lincoln was the sixteenth President of the United States and is remembered as a great emancipator; and

WHEREAS, Presidents Washington and Lincoln are the best-known and respected historical figures of United States history; and

WHEREAS, the examples of leadership set by these two Presidents continue to inspire Americans and their elected leaders today; and

WHEREAS, portraits of Presidents Washington and Lincoln hung in the legislative chambers for many years, adding an appropriate air of respect to the business before the Legislature; and

WHEREAS, the portraits have been removed and their quality has been criticized; and

WHEREAS, citizens of the state are distraught that the portraits have been removed from the chambers of their Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislature find suitable replacements of the portraits and have them suitably placed in a prominent place in the George W. Norris legislative chambers.

Laid over.

LEGISLATIVE RESOLUTION 419. Introduced by Dierks, 40th District; R. Johnson, 34th District; Rogers, 41st District; Smith, 33rd District; Withem, 14th District; Beyer, 3rd District; Chambers, 11th District; McFarland, 28th District.

WHEREAS, the Special Olympics International Summer Games is an internationally recognized program of sports skills development for mentally retarded children and adults; and

WHEREAS, Lincoln, Nebraska, is one of five cities designated as a finalist for hosting the 1991 International Summer Games; and

WHEREAS, hosting the games would provide an excellent educational and social opportunity for Lincoln and for the State of Nebraska; and

WHEREAS, the opportunity to host an event of this magnitude should be pursued with great enthusiasm.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Special Olympics International be encouraged to select Lincoln as the host city for the 1991 International Summer Games.

2. That the city of Lincoln be commended for its effort to host the games.

3. That the Legislature pledges its full support for the Special Olympics program and the cooperation and support of the state should Lincoln be chosen as a host city.

4. That a copy of this resolution be presented to the International Summer Games Site Inspection Committee members upon their visit to Lincoln.

Laid over.

REPORTS

Received annual report from the Department of Social Services of the Disabled Persons and Family Support Program pursuant to Section 68-1518.

Received minutes of the Board of Public Roads Classifications and Standards for February, 1988.

SELECT FILE

LEGISLATIVE BILL 1041. Mr. Wesely and Mrs. Higgins renewed their pending amendment, AM2731, found in the Journal on page 1678.

The Wesely-Higgins amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch renewed his pending amendment, AM2751, found in the Journal on page 1698.

The Lynch amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Schellpeper offered the following amendment:

To amend AM2730 to LB 1041 as follows: after the period in line 6 insert: "Such plans shall be developed in coordination with the Nebraska Antique Machinery and Farm Equipment Commission."

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Haberman offered the following amendment:

Strike Section 38.

Mr. Haberman withdrew his pending amendment.

Mr. R. Johnson offered the following amendment:

To amend AM2250 to LB 1041 on page 28, line 13 by inserting the following new language:

It is the intent of the Legislature that research proposals regarding Nebraska's water resources receive priority status in the funding process. The present and future prosperity of Nebraska is inextricably linked to the sustainability of our water resources, whereas current research is minimal in comparison to the magnitude of the need.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson withdrew his pending amendment.

Mesdames Labedz and Higgins offered the following amendment:

On page 57, beginning on line 16, strike, "distribution of federal need-based grants", and insert, "average distribution of state need-based grants in a peer group of Midwestern states chosen by the Nebraska Coordinating Commission for Postsecondary Education"

Messrs. Schmit and Chizek 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?"

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 26 ayes, 7 nays, and 16 not voting.

Mr. Korshoj requested a record vote on the Labedz-Higgins amendment.

Mrs. Higgins requested a roll call vote on the Labedz-Higgins amendment.

Voting in the affirmative, 22:

Abboud	Chizek	Hall	Korshoj	Rogers
Ashford	Coordsen	Hartnett	Labedz	Schellpeper
Baack	Dierks	Higgins	Lynch	Schmit
Barrett	Goodrich	Johnson, R.	McFarland	Smith
Chambers	Haberman			

Voting in the negative, 23:

Bernard-Stevens	Hefner	Langford	Nelson	Wehrbein
Beyer	Johanns	Marsh	Peterson	Weihing
Conway	Johnson, L.	Miller	Remmers	Wesely
Hannibal	Lamb	Moore	Scofield	Withem
	Landis	Morehead	Warner	

Present and not voting, 2:

Campbell Elmer

Excused and not voting, 2:

Johnson, V. Pirsch

The Labedz-Higgins amendment lost with 22 ayes, 23 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mrs. Higgins offered the following amendment:

On Pg. 57 line 17 after the word "GRANTS" strike the period and insert the following:

except that no more than 35% of this $750,000 appropriation shall go to students who may attend an independent institution"

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

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.

Mrs. Higgins moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mrs. Higgins requested a roll call vote on her amendment.

Voting in the affirmative, 24:

Abboud	Coordsen	Higgins	Labedz	Nelson
Ashford	Dierks	Johanns	Langford	Schellpeper
Barrett	Haberman	Johnson, R.	Lynch	Schmit
Chambers	Hall	Johnson, V.	McFarland	Smith
Chizek	Hartnett	Korshoj	Moore	

Voting in the negative, 22:

Baack	Conway	Lamb	Peterson	Warner
Bernard-Stevens	Elmer	Landis	Remmers	Wehrbein
Beyer	Hannibal	Marsh	Rogers	Weihing
Campbell	Hefner	Miller	Scofield	Withem
	Johnson, L.	Morehead		

Present and not voting, 1:

Goodrich

Excused and not voting, 2:

Pirsch Wesely

The Higgins amendment lost with 24 ayes, 22 nays, 1 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Revenue

Governor Appointment Thursday, March 31, 1988 1:00 p.m.
John Boehm - Tax Commissioner

(Signed) Vard R. Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 420. Introduced by Weihing, 48th District; Haberman, 44th District; Baack, 47th District.

WHEREAS, the State of Nebraska recognizes and supports tourism as a growing and prosperous industry throughout the state; and

WHEREAS, the Panhandle region of western Nebraska offers visitors a scenic beauty which is unparalleled; and

WHEREAS, the Panhandle region of western Nebraska has many historical sites depicting and honoring the lives and times of our forebearers; and

WHEREAS, Highways 26 and 92 offer visitors maximum exposure to the multitude of historical sites and to the exquisite scenery of the region; and

WHEREAS, Highways 26 and 92 follow the routes of the Oregon and Mormon Trails; and

WHEREAS, these trails had a significant role in the settlement of the Oregon Country, the Mormon settlement of Utah, and the California Gold Rush.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature designates Highways 26 and 92 as the TRAILS WEST PARKWAY.

2. That appropriate road signs be placed along the highways designating them as the TRAILS WEST PARKWAY.

3. That the highways be designated as the TRAILS WEST PARKWAY on all future maps of the State of Nebraska.

4. That a copy of this resolution be sent to the Scottsbluff-Gering United Chambers of Commerce.

Laid over.

MESSAGE FROM THE GOVERNOR

March 23, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 933, 1038, 1054, 1077, 1078, 1093, 1114, 1130, 1142, 1146, 1159, 1169, 1193, and 1197 were received in my office on March 21, 1988.

These bills were signed by me on March 23, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

ATTORNEY GENERAL'S OPINION

Opinion No. 88026

DATE: March 22, 1988

SUBJECT: Constitutionality of LB 1207 - Valuation of agricultural land for tax purposes.

REQUESTED BY: Senator Rex Haberman
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion on three questions relating to specific portions of LB 1207. Generally, LB 1207 proposes to amend various Nebraska statutory provisions concerning the valuation of agricultural land for tax purposes. The specific provisions of LB 1207 to which your questions relate will be discussed below in reference to each particular question you have presented for our consideration.

Your initial question concerns certain language contained in Section 1 of LB 1207 which proposes to amend Neb.Rev.Stat. §77-1358 (Reissue 1986) by adding the following language: "The Legislature finds that the effect of Amendment IV of 1984 to Article VIII, Section 1, of the Constitution of Nebraska is to permit the Legislature to adopt a valuation method which values agricultural land and horticultural land in a non-uniform manner relative to other classes of property." You ask whether, in light of the recent Nebraska Supreme Court decision in Banner County v. State Board of Equalization and Assessment, 226 Neb. 236, 411 N.W.2d 35 (1987) {Banner County}, this legislative declaration as to the effect of the enactment of amendment four is sufficient to permit the non-uniform valuation and taxation of agricultural land.

In Banner County, the Nebraska Supreme Court discussed the language added to Article VIII, Section 1, of the Nebraska Constitution by virtue of the adoption of amendment four in 1984, providing: "The Legislature may provide that agricultural land and horticultural land used solely for agricultural and horticultural purposes shall constitute a separate and distinct class of property for purposes of taxation." The opinion addressed at length the court's view as to the intent and meaning of the language adopted under amendment four, and the effect of such language on the applicability of the uniformity requirement contained in Article VIII, Section 1, as to the separate class of agricultural land established for tax purposes by the enactment of LB 271 in 1985 after the passage of amendment four. In particular, the court stated the following:

> The State Constitution requires that taxes be levied "by valuation uniformly and proportionately upon all tangible property" except motor vehicles. The constitutional amendment,

upon which LB 1207 is based, amendment four, permits agricultural property to be treated as a separate class for purposes of property tax. The amendment did not repeal the uniformity clause.

* * *

Since amendment four did not repeal the uniformity clause, expressly or by implication, the two clauses must be read in such a way as to give effect to both clauses. Thus, L.B. 271 must meet the requirements of both clauses to pass the test of constitutionality. Specifically, amendment four permitted the Legislature to classify property as a separate class, but the uniformity clause required the Legislature to treat that class in a uniform manner with other tangible property.

* * *

Since the uniformity clause was not repealed, the Legislature can divide the class of tangible property into different classifications, but these classifications remain subdivisions of the overall class of "all tangible property," and there must be a correlation between them to show uniformity. Such a correlation is made by evidence that all tangible property has been uniformly assessed.

No evidence of such a correlation is present in the record before us or in the statutes implementing amendment four. In fact, our review of the statutes shows the correlation requirement was entirely disregarded.

* * *

{The statutes} provide for the separate classification and valuation of agricultural property and are consistent with amendment four. Conspicuously absent from these statutes, however, is a requirement that the resulting values obtained for agricultural land be correlated with the values obtained for other real property as required by the uniformity clause.

Id. at 252-254, 411 N.W.2d at 45-46.

On the basis of the foregoing, it is evident that, while the court's statements could arguably be viewed as dicta, we believe the court has clearly stated that the adoption of amendment four (and the subsequent enactment of LB 271) did not exempt agricultural land from the requirement of maintaining uniformity in relation to all other tangible property, as required by Article VIII, Section 1.

In light of the preceding statements by the court in Banner County, you have asked us to consider what impact the legislative declaration contained in Section 1 of LB 1207 as to the effect of amendment four may have in permitting the non-uniform valuation and taxation of agricultural land. It is true, of course, that legislative

construction of a constitutional provision, while not conclusive, will be given due consideration by the courts in determining the meaning of a constitution. See generally 16 Am.Jur.2d Constitutional Law §125 (1979). In this particular instance, however, we do not believe that the legislative statement of findings as to the effect of amendment four in Section 1 of LB 1207 would alter the court's interpretation of the intent and effect of this constitutional amendment as expressed in the Banner County decision.

As you are no doubt aware, this office filed a motion for rehearing following the issuance of the court's opinion in Banner County, specifically requesting the court to reconsider its conclusion that the adoption of amendment four was not intended to permit non-uniform valuation and taxation of agricultural land. In the brief filed on behalf of the State Board in support of the motion for rehearing, as well as in an amici curiae brief filed by a number of Nebraska farm organizations in support of the request for rehearing, arguments were advanced urging the court to determine that the history behind the adoption of amendment four (and the subsequent enactment of LB 271) demonstrated that the intent and effect of the amendment was to specifically except agricultural land from the requirement of uniform taxation contained in Article VIII, Section 1. The court overruled the motion for rehearing sought on this basis. Under these circumstances, we believe it is extremely unlikely that the court will alter its position regarding the intent and effect of amendment four as expressed in Banner County, and that the legislative finding as to the effect of this amendment contained in Section 1 of LB 1207 would not cause the court to change its determination that amendment four did not remove the constitutional requirement of uniformity in relation to the taxation of agricultural land.

Your second question relates to the limitations placed on county boards of equalization under Sections 7 and 8 of LB 1207 regarding the authority of such boards to make adjustments to valuations placed on agricultural land. Generally, Section 7 would amend Neb.Rev.Stat. §77-1504 (Reissue 1986) to limit the authority of a county board of equalization to making specific types of corrections in relation to agricultural or horticultural land. Section 8 would amend Neb.Rev.Stat. §77-1506.02 (Reissue 1986) by eliminating the authority of a county board of equalization to make a percentage adjustment to the class of agricultural land, or to make a percentage adjustment to a subclass of agricultural land. Your specific question with regard to such limitations on the authority of county boards of equalization concerns whether these provisions result in a denial of due process to owners of agricultural land seeking to challenge their valuations.

In a previous opinion, our office concluded that, under the statutory provisions in existence at that time, a county board of equalization possessed the authority to establish values of land different from those set forth in appraisal manuals prepared by the State Tax Commissioner. Report of Attorney General 1979-80, Opinion No. 296, p. 427. In this opinion, we quoted the following language from 16A Am.Jur.2d Constitutional Law §853 (1979):

> Due process of law requires a hearing before a court or other tribunal having jurisdiction of the cause either in equity or at law. The tribunal must be appointed by law and be governed by rules of law previously established. It must be a legally constituted body for determining the right in question.

Relying upon this principle, we concluded that if land owners were not permitted to contest their valuations before the county board of equalization, they would effectively be precluded from ever contesting their valuations at any stage. We further concluded that the absence of any such ability to contest valuations in this manner would violate due process, and determined that a county board could place values on property different from those in the manuals, if warranted by evidence presented before the county board. Report of Attorney General 1979-80, Opinion No. 269, at 429.

In analyzing your concern as to the potential deprivation of due process resulting from the limitations on the authority of county boards of equalization under LB 1207 to alter valuations of agricultural land determined pursuant to the Land Manual, it is necessary to consider whether the removal of such authority from county boards of equalization prohibits agricultural land owners from contesting the valuations placed on their property. While the guarantee of due process requires that a party be provided the opportunity to raise issues and be heard before a competent tribunal empowered to determine the right in question, the stage at which that hearing occurs, and the manner in which it is provided, if not unreasonably inconvenient, is a matter of legislative discretion. See 16A Am.Jur.2d Constitutional Law §§843, 844 (1979). In this regard, we note that Section 9 of LB 1207 proposes to amend Neb.Rev.Stat. §77-1510 (Reissue 1986) to permit taxpayers challenging values as determined by the Land Manual to contest their valuations in district court. The district court, upon consideration of the evidence presented, is empowered to alter valuations as determined by the Land Manual. Under these circumstances, we do not believe that the limitations imposed on county boards of equalization under LB 1207 result in an unconstitutional deprivation of the due process rights of owners of agricultural land, as such taxpayers are provided a judicial

forum in which to contest the valuations placed on their property for tax purposes.

In addition to your concerns as to the due process implications raised by virtue of the limitations in Sections 7 and 8 of LB 1207, you also question whether the distinctions drawn between owners of agricultural and non-agricultural land, by virtue of the different authority granted to county boards to act in performing their equalization functions, results in a violation of the guarantee of equal protection of the law. See U.S. Const., Amend. 14.

In considering questions as to the validity of legislation under the equal protection clause, it must be remembered that the Legislature has a broad range of discretion in drawing distinctions for purposes of statutory classification. Under traditional equal protection analysis, the guarantee of equal protection merely requires "...that distinctions drawn by a challenged statute bear some rational relationship to a conceivable legitimate state interest or purpose." 16A Am.Jur.2d Constitutional Law §750 (1979). See Porter v. Jensen, 223 Neb. 438, 390 N.W.2d 511 (1986). Upon analyzing the differences between the procedures for challenging valuations of agricultural land and non-agricultural land (by virtue of the limits imposed on county boards in altering agricultural land values), we cannot conclude that the distinctions created in this instance are wholly without any conceivable rational basis.

With the adoption of amendment four in 1984, the Legislature was permitted to classify agricultural land separately for property tax purposes. As the court noted in Banner County, the placing of agricultural land in a separate class for tax purposes permits the valuation of such land by a method different than that employed to value non-agricultural land. 226 Neb. at 253, 411 N.W.2d at 46. The Legislature has thus adopted an earning capacity method of valuation for agricultural land; has promulgated extensive statutory requirements mandating the method to be utilized in determining agricultural land valuations; and has imposed on the State Tax Commissioner the duty to prepare the agricultural land valuation manual employed to establish such values for all categories of agricultural land in the state. Neb.Rev.Stat. §§77-1358 to 77-1356; and §77-1968 (Reissue 1986 and Supp. 1987). Given the unique manner in which agricultural land is treated in establishing its valuation for tax purposes, and the potentially adverse impact on statewide equalization in the event of significant departures from valuations established by the Land Manual, we cannot say that the different procedures to be followed in seeking adjustments of agricultural land values under LB 1207 are without any rational

basis, and, as such, are not necessarily in conflict with the constitutional guarantee of equal protection of the law.

Your final question concerns whether the operative date of January 1, 1988, contained in Section 10 of LB 1207, violates the constitutional prohibition against the enactment of ex post facto laws. Neb. Const., Art. I, §16. The prohibition against ex post facto laws applies only to penal or criminal matters. In re Estate of Rogers, 147 Neb. 1, 22 N.W.2d 297 (1946). Thus, as the provisions of LB 1207 do not concern criminal penalties or sanctions, we conclude that the operative date established in Section 10 of the bill does not, in any manner, render LB 1207 invalid as an ex post facto law.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-20-3

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

SELECT FILE

LEGISLATIVE BILL 1041. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 38. E & R amendments, AM5411, found in the Journal on page 1603 for the Forty-Ninth Day were adopted.

Mr. Warner renewed his pending amendment, AM2640, found in the Journal on page 1626.

Mr. Lamb offered the following amendment to the pending Warner amendment:
Strike subsections one and two of section one of AM2640.

Messrs. Haberman and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb withdrew his pending amendment.

Mr. V. Johnson requested a ruling of the Chair on whether the Warner amendment is germane to the bill.

Mr. Wesely moved to suspend the rules, Rule 7 §3(d) to permit consideration of AM2640.

The Wesely motion to suspend the rules prevailed with 31 ayes, 5 nays, 9 present and not voting, and 4 excused and not voting.

Mrs. Morehead offered the following amendment to the pending Warner amendment:

In pg. 3 strike all the new language in line 24 and on pg. 4 strike all the new language in lines 1 thru 5.

Pending.

Messrs. Schmit and Korshoj asked unanimous consent to be excused until they return. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jim Taylor and Mick Mines from Blair; 9 seniors and sponsor from North Loup-Scotia; 15 students and teacher from Parkview Christian School, Lincoln; 100 fifth grade students from Calvert Grade School, Lincoln; 36 students, teachers, and sponsors from Springville Elementary School, Omaha; students and teacher from McMillan Junior High School, Omaha; the Korean-American Corn Buying Team; 42 fifth grade students, teacher, and sponsor from Ord Elementary School; students, sponsors, and teachers from St. Bernadette School, Omaha; 3 students and teacher from Odell High School; and 27 students and teachers from Palmyra High School.

RECESS

At 12:03 p.m., on a motion by Mr. Coordsen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek, Withem, and Mrs. Pirsch who were excused; and Messrs.

Abboud, Lynch, McFarland, and Mrs. Johanns who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1083. Considered.

Mr. Remmers withdrew his pending motion found in the Journal on page 1282 to indefinitely postpone LB 1083.

Messrs. Landis and Ashford renewed their pending amendment, AM2747, found in the Journal on page 1689.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Remmers moved that LB 1083 be bracketed until April 8, 1988.

Mr. Ashford 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 moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Remmers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 19:

Barrett	Dierks	Higgins	Lamb	Rogers
Beyer	Goodrich	Johanns	Langford	Schellpeper
Chambers	Haberman	Johnson, L.	Peterson	Wehrbein
Coordsen	Hefner	Korshoj	Remmers	

Voting in the negative, 22:

Ashford	Hannibal	Landis	Moore	Smith
Baack	Hartnett	Lynch	Morehead	Warner
Bernard-Stevens	Johnson, R.	Marsh	Nelson	Weihing
	Johnson, V.	McFarland	Schmit	Wesely
Campbell	Labedz	Miller		

Present and not voting, 3:

Conway Elmer Scofield

Excused and not voting, 5:

Abboud Chizek Hall Pirsch Withem

The Remmers motion to bracket lost with 19 ayes, 22 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The pending Landis-Ashford amendment, AM2747, was renewed.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. 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 Landis-Ashford amendment was adopted with 26 ayes, 7 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Ashford withdrew his pending amendment found in the Journal on page 1613.

PRESIDENT NICHOL PRESIDING

Advanced to E & R for Review with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1178. Title read. Considered.

Standing Committee amendments, AM2262, found in the Journal on page 1093 for the Thirty-Sixth Day were considered.

Mr. Conway withdrew his pending amendment, AM2615, found in the Journal on page 1458 to the Standing Committee amendments.

Messrs. Conway and Ashford renewed their pending amendment, AM2739, found in the Journal on page 1668 to the Standing Committee amendments.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

The Conway-Ashford amendment was adopted with 15 ayes, 0 nays, 27 present and not voting, and 7 excused and not voting.

The Standing Committee amendments, as amended, 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, 16 present and not voting, and 7 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1234. Title read. Considered.

Standing Committee amendments, AM2286, printed separate from the Journal and referred to on page 1111 for the Thirty-Sixth Day were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Smith and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. McFarland renewed his pending amendment, AM2384, found in the Journal on page 1244.

Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks 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. McFarland moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Baack	Chambers	Haberman	Korshoj	Schellpeper
Bernard-Stevens	Coordsen	Higgins	McFarland	Schmit
	Dierks	Johnson, R.	Moore	Wesely

Voting in the negative, 26:

Ashford	Goodrich	Johanns	Lynch	Peterson
Barrett	Hall	Johnson, L.	Marsh	Remmers
Beyer	Hannibal	Johnson, V.	Miller	Rogers
Campbell	Hartnett	Lamb	Morehead	Wehrbein
Conway	Hefner	Landis	Nelson	Weihing
Elmer				

Excused and not voting, 9:

Abboud	Labedz	Pirsch	Smith	Withem
Chizek	Langford	Scofield	Warner	

The McFarland amendment lost with 14 ayes, 26 nays, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 375 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2743.)

RESOLUTION

LEGISLATIVE RESOLUTION 421. Introduced by Moore, 24th District; Ashford, 6th District; Baack, 47th District; Barrett, 39th District; Bernard-Stevens, 42nd District; Beyer, 3rd District; Campbell, 22nd District; Chambers, 11th District; Conway, 17th District; Coordsen, 32nd District; Dierks, 40th District; Elmer, 38th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Hartnett, 45th District; Hefner, 19th

District; Higgins, 9th District; Johanns, 27th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Korshoj, 16th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Langford, 36th District; Lynch, 13th District; Marsh, 29th District; McFarland, 28th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th District; Peterson, 21st District; Remmers, 1st District; Rogers, 41st District; Schellpeper, 18th District; Schmit, 23rd District; Scofield, 49th District; Smith, 33rd District; Warner, 25th District; Wehrbein, 2nd District; Weihing, 48th District; Wesely, 26th District.

WHEREAS, Harold F. Sieck was born in Pleasant Dale, Nebraska on February 29, 1916; and

WHEREAS, Harold F. Sieck spent most of his adult life serving his community, state, and nation; and

WHEREAS, Senator Sieck served in the Legislature from 1978 to 1986 and also served as the Director of the Seward County Rural Power District, the Chairperson of the Lower Platte South Natural Resources District, and a member of the school board; and

WHEREAS, Harold F. Sieck will always be remembered as a sincere, caring, and giving person and will be missed by his family, his friends, and the many people with whom he served; and

WHEREAS, Harold F. Sieck passed away on March 24, 1988.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its most sincere sympathy to the family of Harold F. Sieck.

2. That a copy of this resolution be sent to Senator Sieck's wife, Elsie.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1232. Mr. Hall asked unanimous consent to replace his amendment with a substitute amendment. No objections. So ordered.

Mr. Hall offered the following substitute amendment to the Standing Committee amendments:

AM2783

1. Strike the Hall amendment, AM2687, adopted March 23, 1988.

2. In the Standing Committee amendments, AM2171:

a. On page 7, strike beginning with "A" in line 20 through "Columbia" in line 23 and insert "The State of Nebraska or any political subdivision thereof";

b. On page 8, strike beginning with "in" in line 3 through "States" in line 7 and insert "under the laws of Nebraska or which is a parent or affiliate of the organization making the donation";

c. On page 56, line 19, strike "shall not" and insert "may"; in line 21 strike the comma and insert "or"; and strike beginning with "or" in line 23 through line 24 and insert "but the burden of proof shall be on the licensed organization to demonstrate that such commingled funds are not used to make any payments associated with the operation of the lottery by the sale of pickle cards and are used for a lawful purpose as defined in section 9-309.";

d. On page 57, strike line 1;

e. On page 63, line 6, strike "Sections 1 and 50 of this" and insert "This"; and strike beginning with "The" in line 7 through line 9; and

f. Strike original section 51.

3. In the Morehead amendments, AM2692:

a. On page 3, line 5, strike "twenty" and insert "sixteen"; and

b. On page 4, line 4, strike "thirty" and insert "thirty-two".

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Beyer and Chambers asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mrs. Higgins requested a division of the question on the Hall amendment.

The Chair sustained the division of the question.

The first Hall amendment is as follows:

1. Strike the Hall amendment, AM2687, adopted

March 23, 1988.

2. In the Standing Committee amendments, AM2171:

a. On page 7, strike beginning with "A" in line 20 through "Columbia" in line 23 and insert "The State of Nebraska or any political subdivision thereof";

b. On page 8, strike beginning with "in" in line 3 through "States" in line 7 and insert "under the laws of Nebraska or which is a parent or affiliate of the organization making the donation";

c. On page 56, line 19, strike "shall not" and insert "may"; in line 21 strike the comma and insert "or"; and strike beginning with "or" in line 23 through line 24 and insert "but the burden of proof shall be on the licensed organization to demonstrate that such commingled funds are not used to make any payments associated with the operation of the lottery by the sale of pickle cards and are used for a lawful purpose as defined in section 9-309.";

d. On page 57, strike line 1;

e. On page 63, line 6, strike "Sections 1 and 50 of this" and insert "This"; and strike beginning with "The" in line 7 through line 9; and

f. Strike original section 51.

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.

The first Hall amendment was adopted with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

The second Hall amendment is as follows:

3. In the Morehead amendments, AM2692:

a. On page 3, line 5, strike "twenty" and insert "sixteen"; and

b. On page 4, line 4, strike "thirty" and insert "thirty-two".

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mrs. Higgins requested a record vote on the second Hall amendment.

Voting in the affirmative, 34:

Ashford	Dierks	Hefner	Marsh	Schellpeper
Barrett	Elmer	Johnson, L.	Miller	Scofield
Bernard-Stevens	Goodrich	Johnson, R.	Moore	Smith
	Haberman	Johnson, V.	Morehead	Warner
Campbell	Hall	Lamb	Nelson	Wehrbein
Conway	Hannibal	Landis	Peterson	Weihing
Coordsen	Hartnett	Lynch	Remmers	Wesely

Voting in the negative, 2:

Higgins	Labedz

Present and not voting, 6:

Baack	Korshoj	McFarland	Rogers	Schmit
Johanns				

Excused and not voting, 7:

Abboud	Chambers	Langford	Pirsch	Withem
Beyer	Chizek			

The second Hall amendment was adopted with 34 ayes, 2 nays, 6 present and not voting, and 7 excused and not voting.

Messrs. R. Johnson and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Morehead withdrew her pending amendment, AM2207, found in the Journal on page 1030.

Mr. V. Johnson withdrew his pending amendment, AM2220, found in the Journal on page 1044.

Mr. Landis withdrew his pending amendments, AM2509, found in the Journal on page 1356 and his amendment found in the Journal on page 1532.

Mr. Hall withdrew his pending amendment, AM2661, printed separate from the Journal and referred to on page 1570.

Mr. V. Johnson moved to suspend the rules, Rule 6, Section 3 and Rule 7, Section 3 and vote on the adoption of the Committee amendments to LB 1232.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The V. Johnson motion to suspend the rules prevailed with 31 ayes, 6 nays, 3 present and not voting, and 9 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 31 ayes, 2 nays, 7 present and not voting, and 9 excused and not voting.

Mr. Hall withdrew his pending amendment, AM2680, found in the Journal on page 1628.

Mr. Landis withdrew his pending amendment, AM2684, found in the Journal on page 1628.

Mrs. Johanns asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz asked unanimous consent to replace her pending amendment, AM2748, found in the Journal on page 1678, with a substitute amendment. No objections. So ordered.

Mrs. Labedz withdrew her pending amendment, AM2748, found in the Journal on page 1678.

Mrs. Labedz offered the following substitute amendment:
AM2786

(Amendments to AM2783)

1. On page 2, line 7, strike "sixteen" and insert "twelve".

Pending.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2756.)

Mr. Schmit asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

AM2764

(Amendments to AM2756)

1. On page 30, after line 17, insert:

"Sec. 22. The Legislature finds and declares that the highways of the state are of the utmost importance to future development within the state and that the following actions are necessary for such development: (1) The accelerated completion of all improvement and expansion projects on the Nebraska segments of the National System of Interstate and Defense Highways; (2) the accelerated completion of improvement projects on state highways with geometric and capacity deficiencies; (3) the resurfacing of highways to protect pavement integrity; (4) the development of a system of expressways, which shall include, but not be limited to, a north-south expressway connecting with expressways or freeways in neighboring states; and (5) the general upgrading of the state highway system concerning driving surfaces and surfaced shoulders.

Sec. 23 The Department of Roads shall be responsible for developing a specific and long-range state highway system plan. The department shall annually formulate plans to meet the state highway system needs of all facets of the state and shall assign priorities for such needs. The department shall, on or before December 1 of each year, present such plans to the Legislature. The plans shall be referred to the appropriate standing committees of the Legislature for review. In establishing priorities, the department shall consider a variety of factors, including, but not limited to, current and projected traffic volume, safety requirements, economic development needs, current and projected demographic trends, and maintenance and enhancement of the quality of life for all Nebraska

citizens. The state highway system plan shall include designating those portions of the state highway system which shall be expressways.

Sec. 24. (1) The Department of Roads shall apply for and make maximum use of available federal funding, including discretionary funding, on all highway construction projects which are eligible for such assistance.

(2) The Department of Roads shall transmit to the Nebraska Legislature, by December 1 of each year, a report on the needs of the state highway system and the department's planning procedures. Such report shall include:

(a) The criteria by which highway needs are determined;

(b) The standards established for each classification of highways;

(c) An assessment of current and projected needs of the state highway system, such needs to be defined by category of improvement required to bring each segment up to standards. Projected fund availability shall not be a consideration by which needs are determined;

(d) Criteria and data, including factors enumerated in section 23 of this act, upon which decisions may be made on possible special priority highways for commercial growth; and

(e) A review of the department's procedure for selection of projects for the annual construction program, the five-year planning program, and extended planning programs.".

2. Renumber the remaining section accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1100 and 1100A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 1100

The following changes, required to be reported for publication in the Journal, have been made:
ER0285

1. In the Morehead et al. amendment, AM2394, adopted March 14, 1988:

a. On page 15, lines 15, 20, and 21, "subsection" has been struck and "subdivision" inserted;

b. On page 15, line 17; and page 16, lines 1, 5, 8, and 13, "the mentally retarded" has been struck and "persons with mental retardation" inserted; and

c. On page 18, line 16, the first comma has been struck and shown as stricken.

2. In the Wesely amendment, AM2437, adopted March 10, 1988:

a. On page 3, line 7, "and" has been struck and an underscored comma inserted; in line 8 an underscored comma has been inserted after "living"; in line 9 "either" has been struck; in line 12 "or" has been struck and an underscored comma inserted; and in line 13 an underscored comma has been inserted after "nursing";

b. On page 5, line 4, "or jurisdiction" has been inserted after "state"; in line 8 "effective" has been struck and "operative" inserted; and in line 9 "act" has been struck and "section" inserted;

c. On page 7, line 17, the first comma has been struck; and

d. On page 10, line 14, "verify" has been struck and "provide written verification" inserted and "of" has been inserted after "individual";

e. On page 12, line 2, "and promulgated" has been inserted after "adopted"; and in line 14 "promulgated and" has been struck and "and promulgated" has been inserted after "adopted".

3. In the Schellpeper et al. amendment, AM2263, adopted March 10, 1988:

a. On page 1, line 10, "massage therapy," has been inserted after the third comma; and in lines 17 and 18 the new matter has been struck;

b. On page 2, line 5, "be" has been struck, shown as stricken, and "is" inserted;

c. On page 7, line 3, the stricken matter has been reinstated; and the matter beginning with "failure" in line 3 through "(16)" in line 4 has been struck and the old matter shown as stricken;

d. On page 8, line 24 has been struck and shown as stricken;

e. On page 9, the matter beginning with "shall" in line 1 through the period in line 2 has been struck and shown as stricken; and the matter beginning with "The" in line 5 through line 7 has been struck and shown as stricken.

f. On page 10, line 1, "(i)" has been inserted after "(g)"; in line 5 "(ii)" has been inserted after "and"; and in line 7 "one" has been struck and "for" has been inserted after "and";

g. On page 11, line 2, "and" has been struck and shown as stricken and ", and (g)" has been inserted after "(f)"; in line 12 an underscored comma has been inserted after "act"; in line 14 "school of" has been struck and the comma has been struck and "school" inserted; in line 19 "shall have" has been struck and "has" inserted; in line 20 "shall" has been struck; and in line 21 "employ" has been struck and "employs" inserted;

h. On page 12, the matter beginning with "Massage" in line 8 through "(c)" in line 11 has been struck; and in line 12 "and" has been struck;

i. On page 13, line 11, "(d)" has been struck and "(c)" inserted; in line 19 "or" has been inserted after the second comma and the last comma has been struck and "is required" inserted; and in line 24 "; and

(d) Massage therapy establishment shall mean any duly licensed place in which a massage therapist practices his or her profession of massage therapy" has been inserted after "adjustments".

j. On page 14, line 4, "therapy" has been inserted after "massage"; in line 7 "24" has been struck; and in line 8 "and 124 to 128" has been struck and "132 to 138" inserted;

k. On page 15, line 11, "school of" has been struck and shown as stricken and "school" has been inserted after "therapy"; in lines 16 and 21 "in effect" has been inserted after "law";

l. On page 16, line 6, the comma has been struck and shown as stricken; in line 7 "shall have obtained" has been struck, shown as stricken, and "obtains" inserted; in line 10 "provision" has been struck and "provisions" inserted; in line 14 ", and shall be deemed a license to practice as a massage therapist or to operate a massage therapy school or establishment respectively" has been inserted after "1989"; and in line 15 the comma has been struck;

m. On page 17, line 7, "effective" has been struck and "operative" inserted and "act" has been struck and "section" inserted; and in line 10 the comma has been struck; and

n. On page 18, the matter beginning with "6" in line 6 through "line" in line 9 has been struck.

4. In the Scofield amendment, AM2310, adopted March 3, 1988:

a. Sections 12 and 21 have been struck;

b. On page 17, line 6, the comma has been struck and shown as stricken;

c. On page 20, line 11, "privilege is limited" has been struck, shown as stricken, and "disclosure of confidential information is

authorized" inserted; and the matter beginning with "or" in line 14 through "privilege" in line 15 had been struck, shown as stricken, and "waives the confidentiality of the information" inserted;

d. On page 21, line 2, "odd-numbered" has been struck, shown as stricken, and "even-numbered" inserted; and

e. On page 22, line 11, "85, 92, and 133" and all amendments thereto have been struck and "2, 5, 6, 8, 97, 132 to 139, and 184 of this act shall become operative on August 1, 1988. Sections 89, 96, and 183" inserted.

5. In the Withem amendment, AM2258, adopted March 3, 1988:

a. On page 1, line 11; and page 2, line 22, the last comma has been struck and shown as stricken;

b. On page 2, line 3; and page 3, line 8, the comma has been struck and shown as stricken;

c. On page 5, line 21, "manually determine the need for and" has been inserted after "to"; and

d. On page 12, line 1, "(3)" has been inserted before "Pursuant" and "subdivisions (d) and (e)" has been struck and "the provisions" inserted; and in line 2 "subsection" has been struck and "section" inserted.

6. In the Remmers amendment, AM2265, adopted March 3, 1988:

a. On page 2, line 1; and page 7, line 12, "60-337 and" has been struck and shown as stricken;

b. On page 4, line 3, "subdivision" has been struck and "subsection" inserted;

c. On page 5, line 10, the comma has been struck;

d. On page 6, line 4, "the certified ambulance attendant" has been struck, shown as stricken, and "such person" inserted; in line 15 "for" has been struck and "which" has been inserted after "personnel"; in line 17 the comma has been struck, shown as stricken, and "who" inserted; and in line 18 "which" has been struck and shown as stricken;

e. On page 7, line 19, "shall give" has been struck, shown as stricken, and "gives" inserted;

f. Section 118 has been struck;

g. On page 15, line 10, the comma has been struck and shown as stricken;

h. On page 17, line 7, the comma has been struck and "such terms are" has been inserted after "as";

i. On page 18, line 13, "squad" has been struck, shown as stricken, and "service" inserted; and in line 20 the comma has been struck and shown as stricken; and

j. On page 19, line 11, "or" has been struck and shown as stricken.

7. In the E & R amendments, AM5339, adopted March 3, 1988:

a. Amendment 5 has been struck; and

b. On page 9, line 23, "as" has been struck; and in line 24 "determined by" has been struck and "upon the recommendation of" inserted.

8. In the Wesely amendment, AM2023, adopted February 19, 1988, on page 3, line 11, "71-3,171," has been inserted before "71-519".

9. The following new sections have been inserted:

"Sec. 97. That section 71-3,106, Revised Statutes Supplement, 1987, be amended to read as follows:

71-3,106. Nothing in the Nebraska Cosmetology Act shall be construed to apply to or restrict the activities of the following:

(1) Any person holding a current license or certificate issued pursuant to Chapter 71 when engaged in the usual and customary practice of his or her profession or occupation;

(2) Any person engaged solely in the practice of electrolysis;

(3) Any person engaging solely in ear piercing, tattooing, or other invasive beautification practices;

(4) Any person when engaged in domestic or charitable administration;

(5) Any person performing any of the practices of cosmetology solely for theatrical presentations or other entertainment functions;

(6) Any person practicing within the confines of a hospital, nursing home, massage therapy establishment, funeral establishment, or other similar establishment or facility licensed or otherwise regulated by the department, except that no unlicensed or unregistered person may accept compensation for such practice;

(7) Any person providing services during a bona fide emergency;

(8) Any retail or wholesale establishment or any person engaged in the sale of cosmetics or other beauty products when the products are applied by the customer or when the application of the products are in direct connection with the sale or attempted sale of such products at retail;

(9) Any person when engaged in nonvocational training; and

(10) Any retail or wholesale establishment or any person engaged in the practice or teaching of manicuring.

Sec. 139. That section 71-2802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2802. Sections 71-2801 to 71-2804 shall not be construed to include the following classes of persons:

(1) Licensed physicians and surgeons, chiropodists, dentists, chiropractors, osteopaths, ~~masseurs or masseuses~~ or massage therapists, who are exclusively engaged in the practice of their respective professions; or

(2) Physicians and surgeons of the United States Army, Navy, or Public Health Service when acting in the line of duty in this state.

Sec. 184. That original sections 71-102, 71-107, 71-112, 71-2702, 71-2705, 71-2712, and 71-2802, Reissue Revised Statutes of Nebraska, 1943, section 33-150, Revised Statutes Supplement, 1986, and sections 71-3,106 and 71-2701, Revised Statutes Supplement, 1987, and also sections 71-2704, 71-2706 to 71-2711, 71-2713, 71-2714, and 71-2716 to 71-2719, Reissue Revised Statutes of Nebraska, 1943, and sections 71-2703, 71-2704.01, and 71-2715, Revised Statutes Supplement, 1987, are repealed.".

10. On page 1, line 2, "44-2804, 71-102, 71-107, 71-112," has been inserted after the first comma; and in line 3 "71-161.01," has been inserted after the fourth comma.

11. On page 2, line 1, "71-1,258," has been inserted after the sixth comma and "71-1,265, 71-1,266, 71-1,268 to 71-1,270, 71-1,274," has been inserted after the last comma; in line 2 "71-2023, 71-2041.01," has been inserted after the last comma; in line 3 "71-2803, 71-2803.01," has been struck and "71-2702, 71-2705, 71-2712, 71-2802 to" inserted; in line 6 "71-5101, 71-5110, 71-5113," has been inserted after the third comma and "71-5502, 71-5508, 71-5518, 71-5520, 71-5819," has been inserted after the fourth comma; in line 8 "and" has been struck and "section 33-150, Revised Statutes Supplement, 1986," inserted; in line 9 "71-113," has been inserted after the second comma and "71-148," has been inserted after the last comma; in line 10 "71-162," has been inserted after the first comma; in line 12 "71-1,267, 71-1,271, 71-1,275, 71-3,106, 71-3,171," has been inserted after the last comma; in line 13 "71-2017.01, 71-2701," has been inserted after the second comma; in line 14 "71-5102, 71-5111," has been inserted after the first comma; and in line 15 ", and Laws 1987, LB 390, section 26; to restate intent" has been inserted after "1987".

12. On page 3, line 3, "to authorize the imposition of disciplinary measures and fines on certain health care facilities as prescribed; to provide for the regulation and change the scope of practice of certain health care personnel as prescribed; to create a fund; to change and eliminate provisions relating to intermediate care facilities for the mentally retarded; to change an operative date for provisions relating to X-ray system operators; to provide a duty for the Revisor of Statutes;" has been inserted after the semicolon; in line 11 "to provide operative dates;" has been inserted after the semicolon; in line 17 "71-1,272, 71-1,276," has been inserted after the second comma; in line 19 "71-2017.05, 71-2704, 71-2706 to 71-2711, 71-2713, 71-2714, 71-2716 to 71-2719," has been inserted after the first comma; in line 21 the second "and" has been struck and a comma inserted and "71-2703, 71-2704.01, and 71-2715," has been inserted after the last

comma; and in line 22 "; and to declare an emergency" has been inserted after "1987".

13. On page 43, line 2, "Part" has been struck and "Parts" inserted.

14. On page 59, line 2, "section" has been inserted after "in".

15. On page 64, line 20, "subsection" has been struck, shown as stricken, and "section" inserted.

16. On page 68, line 25, an underscored comma has been inserted after "71-1,143".

17. On page 133, line 14, the second "and" has been struck and "or" inserted.

18. On page 143, lines 24 to 25; page 147, lines 9 and 21; and page 157, line 24, "the same manner as provided in" has been struck and "accordance with" inserted.

19. On page 155, line 4, "subsection (1) of" has been inserted after "to".

20. On page 162, line 3, "and" has been struck and "or" inserted.

21. On page 163, line 3, "the manner provided in" has been struck and "accordance with" inserted.

22. On page 175, line 7, "71-161.01," has been inserted after the last comma; in line 16 the last comma has been struck; and in line 17 "71-2803.01," has been struck and "to" inserted.

23. Sections have been renumbered and internal references corrected accordingly.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 1232. The pending Labedz amendment, AM2786, was renewed.

Mr. Hall 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 requested a record vote on the Labedz amendment.

Mrs. Labedz moved for a call of the house. The motion prevailed with 14 ayes, 5 nays, and 30 not voting.

Mrs. Labedz requested a roll call vote on her amendment.

Voting in the affirmative, 9:

Baack	Dierks	Hartnett	Korshoj	Schmit
Conway	Hall	Higgins	Labedz	

Voting in the negative, 25:

Ashford	Elmer	Johnson, L.	Morehead	Scofield
Barrett	Goodrich	Lamb	Nelson	Smith
Bernard-Stevens	Haberman	Landis	Peterson	Warner
Campbell	Hannibal	Marsh	Remmers	Weihing
Coordsen	Hefner	Moore	Schellpeper	Wesely

Present and not voting, 4:

Johnson, V.	Lynch	Miller	Rogers

Excused and not voting, 11:

Abboud	Chizek	Johnson, R.	McFarland	Wehrbein
Beyer	Johanns	Langford	Pirsch	Withem
Chambers				

The Labedz amendment lost with 9 ayes, 25 nays, 4 present and not voting, and 11 excused and not voting.

Mr. L. Johnson requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Ashford	Dierks	Johnson, L.	Moore	Schellpeper
Barrett	Elmer	Johnson, V.	Morehead	Scofield
Bernard-Stevens	Goodrich	Lamb	Nelson	Smith
Campbell	Haberman	Landis	Peterson	Warner
Conway	Hall	Lynch	Remmers	Weihing
Coordsen	Hannibal	Marsh	Rogers	Wesely
	Hefner	Miller		

Voting in the negative, 5:

Baack	Hartnett	Higgins	Korshoj	Labedz

Present and not voting, 1:

Schmit

Excused and not voting, 11:

Abboud	Chizek	Johnson, R.	McFarland	Wehrbein
Beyer	Johanns	Langford	Pirsch	Withem
Chambers				

Advanced to E & R for Review with 32 ayes, 5 nays, 1 present and not voting, and 11 excused and not voting.

VISITORS

Visitors to the Chamber were Frank and Evelyn Vavricek from Scribner.

ADJOURNMENT

At 6:33 p.m., on a motion by Mr. Lynch, the Legislature adjourned until 8:30 a.m., Friday, March 25, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 25, 1988

LEGISLATIVE JOURNAL

FIFTY-SECOND DAY - MARCH 25, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 25, 1988

Pursuant to adjournment, the Legislature met at 8:32 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Tom Stebbins, Christ Community Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Coordsen, Goodrich, R. Johnson, Landis, Remmers, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-First Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 422. Introduced by Coordsen, 32nd District.

WHEREAS, Shickley will celebrate its centennial on May 28 and 29 of this year; and

WHEREAS, Shickley was named in honor Judge Benjamin F. Shickley of Geneva by his son Vincent Shickley; and

WHEREAS, on August 18, 1886, Robert B. Cambell became Shickley's first postmaster; and

WHEREAS, C.W. Beeson and fifty-three others brought a petition to the Fillmore County Board to incorporate Shickley, and it was incorporated on March 29, 1888; and

WHEREAS, Shickley was once known as "Little Holland" because of its many windmills; and

WHEREAS, Shickley embodies the "can do" spirit of Nebraska's pioneers as it looks forward to its second century.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the community of Shickley on its upcoming centennial celebration of 1988.

2. That the Legislature commends the citizenry of Shickley for a century of contributions to Nebraska and its people.

3. That a copy of this resolution be sent to Norma Hendrickson, 309 North Apple, Shickley, NE 68436.

Laid over.

LEGISLATIVE RESOLUTION 421. Read. Considered.

LR 421 was adopted with 40 ayes, 0 nays, and 9 not voting.

MOTION - Return LB 672 to Select File

Mr. Chambers moved to return LB 672 to Select File for his specific amendment, AM2304, found in the Journal on page 1137, withdrawn on page 1219, and reoffered.

The Chambers motion to return prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 672. The Chambers specific amendment, AM2304, found in the Journal on page 1137 was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 934 to Select File

Messrs. Withem, Hartnett, and Mrs. Smith moved to return LB 934 to Select File for their specific amendment, AM2334, found in the Journal on page 1577.

The Withem-Hartnett-Smith motion to return prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 934. The Withem-Hartnett-Smith specific amendment, AM2334, found in the Journal on page 1577 was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 1126 to Select File

Mr. Barrett moved to return LB 1126 to Select File for his specific amendment, AM2170, found in the Journal on page 1522.

The Barrett motion to return prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1126. The Barrett specific amendment, AM2170, found in the Journal on page 1522 was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 1136 to Select File

Mr. Baack moved to return LB 1136 to Select File for his specific amendment, AM2326, found in the Journal on page 1158, withdrawn on page 1264, and reoffered.

Mr. Bernard-Stevens 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 Baack motion to return lost with 12 ayes, 24 nays, 10 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1136.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1446, 49-1446.01, 49-1455, and 49-1469, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the commingling and expenditure of certain separate segregated political funds and campaign statements regarding such funds as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Ashford	Conway	Higgins	Lynch	Schellpeper
Baack	Dierks	Johanns	Marsh	Schmit
Barrett	Elmer	Johnson, L.	McFarland	Scofield
Bernard-Stevens	Goodrich	Johnson, V.	Moore	Smith
	Haberman	Korshoj	Morehead	Warner
Beyer	Hall	Labedz	Peterson	Wehrbein
Campbell	Hannibal	Lamb	Pirsch	Weihing
Chambers	Hartnett	Landis	Remmers	Wesely
Chizek	Hefner	Langford	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Miller Nelson

Excused and not voting, 3:

Abboud Coordsen Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendments to LB 838

Mr. Withem withdrew his pending amendments found in the Journal on pages 1473 and 1478 to LB 838.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 838.

A BILL FOR AN ACT relating to museums; to provide for the appointment of the Antique Farm Machinery and Equipment Commission; to provide for the creation of a museum; to provide powers and duties; to create a fund; and to require a report.

Whereupon the 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:

Ashford	Conway	Higgins	Lynch	Rogers
Baack	Dierks	Johanns	Marsh	Schellpeper
Barrett	Elmer	Johnson, L.	McFarland	Scofield
Bernard-Stevens	Goodrich	Johnson, V.	Miller	Smith
	Haberman	Korshoj	Moore	Warner
Beyer	Hall	Labedz	Morehead	Wehrbein
Campbell	Hannibal	Lamb	Nelson	Weihing
Chambers	Hartnett	Landis	Peterson	Wesely
Chizek	Hefner	Langford	Pirsch	Withem

Voting in the negative, 0.

Present and not voting, 2:

Remmers Schmit

Excused and not voting, 3:

Abboud Coordsen Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 838A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 838, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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:

Ashford	Dierks	Johnson, L.	McFarland	Schellpeper
Baack	Elmer	Johnson, V.	Miller	Schmit
Barrett	Goodrich	Korshoj	Moore	Scofield
Bernard-Stevens	Haberman	Labedz	Morehead	Smith
	Hall	Lamb	Nelson	Warner
Beyer	Hannibal	Landis	Peterson	Wehrbein
Campbell	Hartnett	Langford	Pirsch	Weihing
Chambers	Hefner	Lynch	Remmers	Wesely
Chizek	Johanns	Marsh	Rogers	Withem
Conway				

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 3:

Abboud Coordsen Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 248CA.

A Resolution to propose amendments to Article III, sections 2 and 3, and Article VI, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendments to Article III, sections 2 and 3, and Article VI, section 1, of the Constitution of Nebraska, which are hereby proposed by the Legislature:

CIII-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven ~~per cent~~ percent of the ~~electors~~ registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten ~~per cent~~ percent of such ~~electors~~ registered voters. In all cases the ~~electors~~ registered voters signing such petition shall be so distributed as to include five ~~per cent~~ percent of the ~~electors~~ registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State, who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, ~~oftener~~ more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

CIII-3 "The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five ~~per cent~~ percent of the ~~electors~~ registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall

have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked~~,~~ and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked~~,~~ as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten ~~per cent~~ percent of the ~~electors~~ registered voters of the state~~,~~ distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state."

CVI-1 "Every citizen of the United States~~,~~ who has attained the age of eighteen years~~,~~ on or before the first Tuesday after the first Monday in November and has resided within the state and the county and voting precinct for the terms ~~provide~~ provided by law~~,~~ shall, except as provided in section 2 of this article, be an elector for the calendar year in which such citizen has attained the age of eighteen years and for all succeeding calendar years.".

Sec. 2. The proposed amendments 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 amendments shall be placed upon the ballot in the following forms:

"A constitutional amendment to provide that only registered voters, instead of electors, may sign petitions for initiatives or referendums.

For

Against".

"A constitutional amendment to permit persons who have attained the age of eighteen years on or before the first Tuesday after the first Monday in November to vote in the calendar year in which such persons attain the age of eighteen years.

For

Against".

Sec. 3. That each of the proposed amendments, 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 them as part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 43:

Ashford	Conway	Johanns	Marsh	Schellpeper
Baack	Dierks	Johnson, L.	McFarland	Schmit
Barrett	Elmer	Johnson, V.	Miller	Scofield
Bernard-Stevens	Goodrich	Korshoj	Moore	Smith
	Haberman	Labedz	Nelson	Wehrbein
Beyer	Hall	Lamb	Peterson	Weihing
Campbell	Hannibal	Landis	Pirsch	Wesely
Chambers	Hartnett	Langford	Remmers	Withem
Chizek	Hefner	Lynch	Rogers	

Voting in the negative, 3:

Higgins	Morehead	Warner

Excused and not voting, 3:

Abboud	Coordsen	Johnson, R.

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

MOTION - Return LB 160 to Select File

Mr. V. Johnson moved to return LB 160 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Hartnett 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. Haberman requested a record vote on the V. Johnson motion to return.

Voting in the affirmative, 12:

Chambers	Elmer	Hall	Hannibal	Higgins

Johnson, V.	Lamb	Langford	Morehead	Wesely
Korshoj	Landis			

Voting in the negative, 26:

Abboud	Chizek	Hefner	McFarland	Schellpeper
Ashford	Conway	Johnson, L.	Moore	Scofield
Baack	Dierks	Johnson, R.	Peterson	Wehrbein
Bernard-Stevens	Goodrich	Labedz	Pirsch	Weihing
	Haberman	Marsh	Remmers	Withem
Beyer	Hartnett			

Present and not voting, 10:

Barrett	Johanns	Miller	Rogers	Smith
Campbell	Lynch	Nelson	Schmit	Warner

Excused and not voting, 1:

Coordsen

The V. Johnson motion to return lost with 12 ayes, 26 nays, 10 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 160. With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 79-1522.01, 79-1522.02, 79-1529, 79-1531, and 79-1533, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to formula annuity retirement allowances; 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, 40:

Abboud	Baack	Bernard-Stevens	Beyer	Chizek
Ashford	Barrett		Campbell	Conway

Dierks	Johnson, L.	Marsh	Peterson	Scofield
Elmer	Johnson, R.	McFarland	Pirsch	Smith
Goodrich	Korshoj	Miller	Remmers	Warner
Haberman	Labedz	Moore	Rogers	Wehrbein
Hartnett	Langford	Morehead	Schellpeper	Weihing
Hefner	Lynch	Nelson	Schmit	Withem
Johanns				

Voting in the negative, 8:

Chambers	Hannibal	Johnson, V.	Landis	Wesely
Hall	Higgins	Lamb		

Excused and not voting, 1:

Coordsen

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 resolution: LR 421.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 826.

A BILL FOR AN ACT relating to retail farm implements; to amend section 69-1501, Reissue Revised Statutes of Nebraska, 1943; to provide a payment date for returned farm implements, machinery, or attachments or repair parts therefor; to provide an interest rate for delinquent payments; and to repeal the original section.

Whereupon the 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	Dierks	Johnson, R.	McFarland	Schellpeper
Ashford	Elmer	Johnson, V.	Miller	Schmit
Baack	Goodrich	Korshoj	Moore	Scofield
Barrett	Haberman	Labedz	Morehead	Smith
Bernard-Stevens	Hall	Lamb	Nelson	Warner
	Hannibal	Landis	Peterson	Wehrbein
Beyer	Hartnett	Langford	Pirsch	Weihing
Campbell	Hefner	Lynch	Remmers	Wesely
Chizek	Johanns	Marsh	Rogers	Withem
Conway	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Higgins

Excused and not voting, 1:

Coordsen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mrs. Johanns moved to suspend the rules, Rule 5, Section 6 (f) and (g) to permit consideration of LB 337A on Final Reading.

The Johanns motion to suspend the rules prevailed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 337A.

A BILL FOR AN ACT relating to trade secrets; to adopt the Trade Secrets 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, 46:

Abboud	Dierks	Johnson, L.	Marsh	Rogers
Ashford	Elmer	Johnson, R.	McFarland	Schellpeper
Baack	Goodrich	Johnson, V.	Miller	Schmit
Barrett	Haberman	Korshoj	Moore	Scofield
Bernard-Stevens	Hall	Labedz	Morehead	Smith
	Hannibal	Lamb	Nelson	Warner
Beyer	Hartnett	Landis	Peterson	Wehrbein
Campbell	Hefner	Langford	Pirsch	Wesely
Chizek	Higgins	Lynch	Remmers	Withem
Conway	Johanns			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Weihing

Excused and not voting, 1:

Coordsen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 38. The pending Morehead amendment found in the Journal on page 1718 to the pending Warner amendment, AM2640, found in the Journal on page 1626, was renewed.

Mrs. Morehead withdrew her pending amendment.

Pending.

Mr. Barrett 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 resolution and bills: LR 248CA, LBs 838A, 838, 1136, 160, 826, and 337A.

SELECT FILE

LEGISLATIVE BILL 38. Mr. Lamb offered the following amendment to the pending Warner amendment, AM2640:

to amend the Warner amendment, AM2640, by reinstating the stricken language on lines 12, 13, on page 1, and on line 14, strike "1990" and insert "1991" and on page 2 reinstate stricken language on lines 3, 4, and 5, and strike "1990" and insert "1991".

Mr. Lamb moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud	Hefner	Lamb	Peterson	Rogers
Elmer	Johnson, L.	Landis	Pirsch	Schellpeper
Goodrich	Johnson, R.	Morehead	Remmers	Weihing
Haberman	Johnson, V.			

Voting in the negative, 25:

Ashford	Conway	Korshoj	McFarland	Smith
Baack	Dierks	Labedz	Miller	Warner
Bernard-Stevens	Hall	Langford	Moore	Wehrbein
	Hannibal	Lynch	Nelson	Wesely
Chambers	Johanns	Marsh	Scofield	Withem
Chizek				

Present and not voting, 4:

Beyer	Campbell	Hartnett	Higgins

Absent and not voting, 1:

Schmit

Excused and not voting, 2:

Barrett Coordsen

The Lamb amendment lost with 17 ayes, 25 nays, 4 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The pending Warner amendment, AM2640, found in the Journal on page 1626, was renewed.

The Warner amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 764. E & R amendment, AM5414, found in the Journal on page 1603 for the Forty-Ninth Day was adopted.

Mr. Wesely moved to indefinitely postpone LB 764.

Mr. Wesely withdrew his motion to indefinitely postpone.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Advanced to E & R for Engrossment with 25 ayes, 5 nays, 17 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 764A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1091. E & R amendments, AM5416, found in the Journal on page 1611 for the Forty-Ninth Day were adopted.

Mr. V. Johnson withdrew his pending amendments, AM2609, found in the Journal on page 1434, and AM2623, found in the Journal on page 1498.

Mr. Wesely offered the following amendment:
AM2734

(Amendments to AM2625)

1. On page 1, line 6, strike "the school districts" and insert "each school district"; in lines 10 and 18 after "exceeds" insert "the greater of fifty thousand dollars or"; strike beginning with "the" in line 13 through "districts" in line 14 and insert "each city, technical community college, and natural resources district"; and in line 20 strike the second "the".

2. On page 2, line 1, strike "counties" and insert "each county"; in line 5 after "exceeds" insert "the greater of fifty thousand dollars or"; and in line 12 after "exceed" insert "the greater of fifty thousand dollars or".

Mr. Wesely withdrew his pending amendment.

Mr. Warner offered the following amendment:
AM2728

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby created the Railroad and Car Company Personal Property Tax Reimbursement Fund to be administered by the State Treasurer. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. Any balance in the fund on June 30, 1989, shall lapse to the Cash Reserve Fund.

Sec. 2. (1) On August 31, 1988, the State Treasurer shall make the following distributions from the Railroad and Car Company Personal Property Tax Reimbursement Fund to the taxing subdivisions of the state:

(a) To the school districts in Nebraska, as reimbursement of the dollar loss resulting from the injunction granted to the railroads in the discrimination lawsuits for tax year 1987, an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources, excluding bonded indebtedness, as determined by the Tax

Commissioner;

(b) To the cities, technical community colleges, and natural resources districts in Nebraska, as reimbursement for the dollar loss resulting from the injunction granted to the railroads in the discrimination lawsuits for tax year 1987, an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources as determined by the Tax Commissioner; and

(c) To the counties in Nebraska, as reimbursement for the dollar loss resulting from the injunctions granted to the railroads and the car companies in the discrimination lawsuits for tax year 1987, an amount equal to the amount that exceeds one percent of the tax dollars anticipated from property tax sources as determined by the Tax Commissioner.

If the amount appropriated is not sufficient to cover the reimbursement provided for in this subsection, the amount shall be prorated as determined by the Tax Commissioner.

(2) Except as provided in Legislative Bill 1091A, Ninetieth Legislature, Second Session, 1988, of the amount remaining from the distributions made pursuant to subsection (1) of this section, the State Treasurer shall distribute to all qualifying taxing subdivisions in the state an amount equal to the dollar loss resulting from the injunctions granted to the railroads and car companies in the discrimination lawsuits for tax year 1987, except that for subdivisions identified in subsection (1) of this section the amount shall not exceed one percent of the tax dollars anticipated from property tax sources, as determined by the Tax Commissioner. If the amount appropriated is not sufficient to cover the reimbursement provided for in this subsection, the amount shall be prorated as determined by the Tax Commissioner.

(3) For purposes of determining tax dollars anticipated as provided in subsection (1) of this section, anticipated car company receipts shall be equal to the amount distributed during calendar year 1987 as determined by the Tax Commissioner.

(4) If any of the lawsuits pending on the effective date of this act challenging the taxation of railroad and car company personal property are resolved

or settled prior to the distribution of funds as provided in this section so that such taxation is retained in whole or in part, the State Treasurer shall adjust the payments, in amounts determined by the Tax Commissioner, to the extent to which the funds have not already been distributed in order to make the distribution consistent with the amount of tax revenue actually lost by the subdivision for both types of railroad personal property for tax year 1987-88.

Sec. 3. If any of the lawsuits pending as of the effective date of this act challenging the taxation of railroad and car company personal property are resolved or settled so that such taxation is retained in whole or in part, then state aid to any taxing subdivision which has received from the state any funds to reimburse the subdivision for the loss of taxes from such property shall be reduced for the first fiscal year following resolution of the lawsuit. The reduction shall be in an amount equal to that certified by the Tax Commissioner to the State Treasurer as being the amount received by the subdivision as reimbursement for losses of taxes which the resolution or settlement of the lawsuit later upheld. The State Treasurer is hereby directed to so reduce from the amount appropriated for state aid for that fiscal year the aid to those subdivisions. For purposes of this section, state aid shall mean appropriations and distributions made pursuant to sections 77-27,136 to 77-27,137.02 and 79-2651 and the School Foundation and Equalization Act.

Sec. 4. That section 84-612, Revised Statutes Supplement, 1987, be amended to read as follows:

84-612. (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 subsections (2), (4), ~~and~~ (5), and (6) 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 subsection

(2) of this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(4) On September 15, 1985, the State Treasurer shall transfer eight million five hundred thousand dollars from the Cash Reserve Fund to the General Fund to pay Tort Claim Number 4-302. Such transfer shall be reversed after July 1, 1989, but before September 1, 1989.

(5) For the period July 1, 1985, to June 30, 1986, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed after July 1, 1989, but before September 1, 1989.

(6) On June 15, 1988, the State Treasurer shall transfer from the Cash Reserve Fund to the Railroad and Car Company Personal Property Tax Reimbursement Fund the amount specified in Legislative Bill 1091A, Ninetieth Legislature, Second Session, 1988.

Sec. 5. Sections 1 and 2 of this act shall terminate on July 1, 1989.

Sec. 6. That original section 84-612, Revised Statutes Supplement, 1987, is repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Lamb renewed his pending amendment, AM2736, found in the Journal on page 1695 to the pending Warner amendment.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Ms. Scofield 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 Lamb amendment lost with 4 ayes, 17 nays, 25 present and not voting, and 3 excused and not voting.

Ms. Scofield and Mr. Bernard-Stevens offered the following amendment to the pending Warner amendment:

AM2735

(Amendments to AM2728)

1. On page 2, line 11, strike "and"; and in line 18 after "Commissioner" insert: "; and

(d) To all subdivisions other than school districts, cities, technical community colleges, natural resources districts, and counties, as reimbursement for the dollar loss resulting from the injunction granted to the railroads in the discrimination lawsuit for tax year 1987, an amount equal to the tax loss of such subdivisions as determined by the Tax Commissioner".

2. On page 3, lines 3 to 4, strike "taxing subdivisions" and insert "school districts, cities, technical community colleges, natural resources districts, and counties"; and strike beginning with the second "for" in line 7 through "section" in line 8.

Mr. Withem 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. Johanns asked unanimous consent to be excused until she returns. No objections. So ordered.

The Scofield-Bernard-Stevens amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

The Warner amendment, as amended, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1091A. Mr. Warner offered the following amendment:

AM2716

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated $4,200,000 from the Railroad and Car Company Personal Property Tax Reimbursement Fund to the Department of Revenue, Program 919, for the period July 1, 1988, to June 30, 1989, to carry out the provisions of Legislative Bill 1091, Ninetieth Legislature, Second Session, 1988. After reimbursements have been made

under subsection (1) of section 2 of Legislative Bill 1091, Ninetieth Legislature, Second Session, 1988, any amounts remaining from the appropriation made in this section shall be lapsed.

Sec. 2. There is hereby appropriated $1,750,000 from the Railroad and Car Company Personal Property Tax Reimbursement Fund to the Department of Revenue, Program 919, for the period July 1, 1988, to June 30, 1989, to carry out the provisions of Legislative Bill 1091, Ninetieth Legislature, Second Session, 1988.

Sec. 3. There is hereby appropriated $1,750,000 from the Railroad and Car Company Personal Property Tax Reimbursement Fund to the Department of Revenue, Program 919, for the period July 1, 1988, to June 30, 1989, to carry out the provisions of Legislative Bill 1091, Ninetieth Legislature, Second Session, 1988.

Sec. 4. There is hereby appropriated $1,750,000 from the Railroad and Car Company Personal Property Tax Reimbursement Fund to the Department of Revenue, Program 919, for the period July 1, 1988, to June 30, 1989, to carry out the provisions of Legislative Bill 1091, Ninetieth Legislature, Second Session, 1988.

Sec. 5. There is hereby appropriated $1,750,000 from the Railroad and Car Company Personal Property Tax Reimbursement Fund to the Department of Revenue, Program 919, for the period July 1, 1988, to June 30, 1989, to carry out the provisions of Legislative Bill 1091, Ninetieth Legislature, Second Session, 1988.

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 Warner 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1073A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1073, Ninetieth Legislature, Second Session, 1988.

UNANIMOUS CONSENT - Print in Journal

Messrs. Barrett and Hall asked unanimous consent to print the following amendment to LB 716 in the Journal. No objections. So ordered.

AM2590

(Amendments to AM2390)

1. Insert the following new section:

"Sec. 7. The provisions of this act shall not apply to any offense committed prior to the effective date of this act. Such an offense shall be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if the changes made by this legislative bill had not been enacted.

For the purposes of this section, an offense shall be deemed to have been committed prior to the effective date of this act if any element of the offense occurred prior to such date.".

2. Renumber the remaining section accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 88027

DATE: March 22, 1988

SUBJECT: LR 249CA - Proposed constitutional amendment to exempt agricultural land from the uniformity requirement.

REQUESTED BY: Senator Rod Johnson
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General

L. Jay Bartel, Assistant Attorney General

You have requested our opinion on two questions relating to LR 249CA. Generally, this proposed constitutional amendment would amend Article VIII, Section 1, of the Nebraska Constitution, to establish agricultural land as a separate class of property for tax purposes which would be exempt from the uniformity requirement contained in this constitutional provision.

Your initial question is whether the language of the proposed amendment is sufficient to establish an intent to exempt agricultural and horticultural land from the uniformity clause in Article VIII, Section 1, of the Nebraska Constitution.

In Banner County v. State Board of Equalization and Assessment, 226 Neb. 236, 411 N.W.2d 35 (1987), the Nebraska Supreme Court stated that the adoption of Amendment Four in 1984 (permitting the legislature to establish agricultural land as a separate and distinct class of property for tax purposes) did not exempt agricultural land from the requirement of uniformity in relation to all other tangible property, as mandated by Article VIII, Section 1, of the Nebraska Constitution. The language of LR 249CA would repeal the language adopted by the passage of Amendment Four, and would replace such language with the following:

> The Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, used for agricultural and horticultural purposes, shall constitute a separate and distinct class of property for purposes of taxation and may provide that agricultural land and horticultural land be assessed for purposes of taxation by a method which results in values which are not uniform or proportionate with other classes or subclasses of property.

On the basis of the plain meaning of the foregoing language, we believe that the language of LR 249CA clearly expresses an intent to establish agricultural and horticultural land as a separate class of property for purposes of taxation which is not subject to the requirement of uniform and proportionate taxation in Article VIII, Section 1.

Your second question concerns whether the inclusion of language in LR 249CA exempting subclasses of agricultural land from the uniformity requirement is constitutionally permissible if such language is construed to mean that subclasses of agricultural land need not be uniform and proportionate to one another.

Initially, we note that some ambiguity may be presented by the language in LR 249CA permitting the assessment of agricultural land by a method resulting in values which are not uniform "...with other

classes or subclasses of property." (emphasis added). As a result of this language, some question may exist as to whether this provision is intended to eliminate any requirement of uniformity of subclasses within the class of agricultural land. In our view, the plain meaning of the language of the amendment does not necessarily evince an intent to eliminate any requirement of uniformity among subclasses of agricultural land; rather, the amendment speaks only in terms of permitting the assessment of the class of "agricultural and horticultural land" in a manner "which results in values which are not uniform or proportionate with other classes or subclasses of property." Nevertheless, the Statement of Purpose accompanying LR 249CA indicates the intent behind this language is to remove any requirement of uniformity within the agricultural land class. The Statement provides, in pertinent part: "Amendment Four did not address uniformity within the agricultural class itself, but LR 249CA proposes to exempt agricultural subclasses (irrigated, dryland and range) from the uniformity clause also." Committee Statement on LR 249CA, 90th Legislature, Second Session at 1-2. (Emphasis in original). Thus, while the Statement of Purpose indicates the amendment is intended to eliminate any requirement of uniformity within the class of agricultural and horticultural land, we cannot definitively conclude that the current language of the amendment supports such an interpretation. In order to accomplish this stated purpose, we believe it may be necessary to revise the language of the amendment to clearly effectuate the Legislature's intent with regard to the requirement of uniformity within the class of agricultural and horticultural land.

In spite of our conclusion that it is unclear whether the language of LR 249CA removes any requirement of uniformity between subclasses of agricultural land, we will nevertheless consider your question as to whether the elimination of any requirement of uniformity among subclasses of agricultural land would be constitutionally permissible. As you have not raised any particular constitutional question in this regard, we will limit our discussion to whether the adoption of such a provision would violate the guarantee of equal protection of the law mandated under the Fourteenth Amendment to the United States Constitution.

In Banner County v. State Board of Equalization and Assessment, supra, the court indicated some question may exist as to whether a state constitutional amendment permitting agricultural land to be taxed differently than other land utilized to produce income would violate the Equal Protection Clause of the United States Constitution. 226 Neb. at 255, 411 N.W.2d at 47. In raising this concern, the court cited the U.S. Supreme Court decision in

Sioux City Bridge Co. v. Dakota County, 260 U.S. 441 (1923), in which the Court held that the failure to provide a taxpayer with equal tax treatment in accordance with the state constitutional requirement of uniform taxation resulted in a violation of the due process and equal protection guarantees contained in the Fourteenth Amendment of the United States Constitution. In view of the Nebraska Supreme Court's reference to this issue in the Banner County case, it is possible that, if presented with a question as to the validity of a constitutional provision permitting unequal treatment among owners of different classes of agricultural land, the court may conclude that such disparate treatment violates the guarantees of due process and equal protection of the law.

It should be noted, however, that recent decisions concerning the validity of state taxation under the Equal Protection Clause have upheld the classification of property for tax purposes, provided the distinctions drawn by virtue of such classification schemes rest upon some difference that bears a rational and reasonable relationship to the object of the act. F.S. Royster Guano Co. v. Virginia, 253 U.S. 412 (1920); See Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967); Comment, Preferential Assessment of Agricultural Property in South Dakota, 22 S.D.L.Rev. 632, 650 (1977). Courts from various jurisdictions have upheld the validity of legislative classifications of property for tax purposes based on the use of the property against challenges asserting such classification schemes violated the Equal Protection Clause. Howell v. Malone, 388 So.2d 908 (Ala. 1980); Holzwasser v. Brady, 262 S.C. 481, 205 S.E.2d 701 (1974). A number of states have adopted either constitutional or statutory provisions allowing classification of real property for tax purposes, Note, Classification of Real Property for Tax Purposes in Illinois - Hoffman v. Clark, 28 DePaul L.Rev. 849, 849n.9 (1979), and many states specifically provide for the separate classification of agricultural land for tax purposes. Note, Separate Property Tax Classification for Agricultural Land: Cure or Disease?, 64 Neb.L.Rev. 313, 315n.9 (1985).

In Stahmer v. State, 192 Neb. 63, 218 N.W.2d 893 (1974), the court, in upholding the validity of legislation which gave preferential treatment with respect to the taxation of property used in agricultural production, reiterated the general rule that it is competent for the Legislature to classify property for purposes of legislation, provided the classification rests on some reason of public policy, or some substantial difference of situation or circumstance, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. The criteria outlined in Stahmer with regard to the validity of classifications scrutinized under our

State Constitution are equally applicable in considering whether legislative classifications satisfy the requirements of the Equal Protection Clause of the Federal Constitution.

As was noted, Sioux City Bridge Co. v. Dakota County, supra, involved a challenge under the Equal Protection Clause based on a failure to provide uniform tax treatment of property within the same class, as mandated under the State Constitution. LR 249CA, however, would specifically exempt agricultural land from the general uniformity requirement, and, in addition, could also be construed to eliminate any uniformity requirement among subclasses of agricultural land. Under these circumstances, the appropriate question to consider in analyzing the impact of the Equal Protection Clause with regard to disparate treatment which may result within the agricultural class may be whether a rational basis exists to justify different treatment within the class of agricultural land. We are not aware of any legislative declarations or findings supporting a basis for permitting disparities in the taxation of subclasses of the class of agricultural land, nor can we readily discern any clear basis upon which the potential for different tax treatment within the agricultural class could be supported. Accordingly, we cannot say that any disparity in taxation which may result from eliminating the requirement of uniformity among subclasses of agricultural land would withstand attack on equal protection grounds.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-19-3

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

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LBs 1136, 838, 838A, and LR 248.

(Signed) Chris Abboud

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 25, 1988, at 10:30 a.m., was the following resolution: LR 248CA.

(Signed) Pam Moravec, Enrolling Clerk

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 25, 1988, at 10:35 a.m., were the following bills: 1136, 838, 838A, 160, 826, and 377A.

(Signed) Pam Moravec, Enrolling Clerk

VISITORS

Visitors to the Chamber were Senator Campbell's sister, Elsie Wennekamp, and her son, David See, and his children, Eric, and Jennifer; 38 Home Economic Ladies from Cedar County; Jim Pappas from North Platte High School; 16 sixth grade students and teacher from Overton Public School; 3 students and teacher from Beren Christian School, Valentine; 18 ninth grade students and teacher from Friend; 7 students and teacher from District 127, Valentine School; 13 eighth grade students and sponsor from St. Mary's School, Lincoln; Becky Wilson from Wayne; 30 Guiding Star Girl Scout Council members from across the state; and 97 fourth grade students and teacher from Fontenelle School, Omaha.

RECESS

At 11:55 a.m., on a motion by Mr. Remmers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hefner who was excused; and Messrs. Ashford, Abboud, Haberman, R. Johnson, Lynch, McFarland, Wehrbein, Mesdames Higgins, Labedz, Langford, Pirsch, and Ms. Scofield who were excused until they arrive.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 899. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM5424.)

LEGISLATIVE BILL 1217. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM5421.)

LEGISLATIVE BILL 766. Placed on Select File as amended.
E & R amendments to LB 766:
AM5422

1. In the Standing Committee amendment, AM1561, on page 2, line 12, strike "(9)" and insert "(10)" and strike "(10)" and insert "(11)".

2. On page 1, strike beginning with the second "to" in line 1 through the semicolon in line 5; strike beginning with "to" in line 6 through the first semicolon in line 9; and strike beginning with "and" in line 9 through "1943" in line 12 and insert "and to declare an emergency".

3. On page 3, strike lines 21 through 24; and in line 25 strike "(6)" and insert "(5)".

4. On page 4, line 2, strike "(7)" and insert "(6)"; in line 6 strike "and"; in line 7 strike "(8)" and insert "(7)"; in line 11 after "purpose" insert: ";

and

(8) Wastewater treatment works shall mean the structures, equipment, and processes required to collect, transport, and treat domestic or industrial wastes and to dispose of the effluent and sludges"; and in line 22 after "maintain" insert "the following".

5. On page 6, line 18, after the last comma insert "the"; and in line 20 strike "the".

LEGISLATIVE BILL 766A. Placed on Select File.

LEGISLATIVE BILL 1221. Placed on Select File as amended.
E & R amendment to LB 1221:
AM5423

1. On page 3, line 17, after "services"

insert an underscored comma; and in line 18 strike "amount", show as stricken, and insert "fee".

LEGISLATIVE BILL 1221A. Placed on Select File.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Ashford and McFarland asked unanimous consent to print the following amendment to LB 88 in the Journal. No objections. So ordered.

AM2497

(Amendments to Final Reading Copy)

1. On page 4, strike lines 2 through 6 and insert:

"(9) Terminal condition shall mean an incurable and irreversible condition which is such that death is imminent and the administration of life-sustaining treatment serves only to postpone the moment of death.".

RESOLUTION

LEGISLATIVE RESOLUTION 423. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Higgins, 9th District; Korshoj, 16th District; Labedz, 5th District; Smith, 33rd District.

PURPOSE: The purpose of this study is to (1) examine government competition with private enterprise and (2) examine whether governmental functions could be performed more efficiently by contracting with private enterprise. The Legislature hereby finds and declares that the growth of private enterprise is essential to the health, welfare, and prosperity of the people of this state and standards should be established to restrict and regulate government competition with private enterprises which provide certain goods and services to the public. It is the intent of the Legislature to promote private enterprise by decreasing the level of government competition with private enterprise by prohibiting state and local agencies from providing certain goods and services to the public and by utilizing private enterprise to provide governmental goods and services when this would make government more efficient.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND 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.

GENERAL FILE

LEGISLATIVE BILL 1233. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 632. Title read. Considered.

The Lamb et al. pending motion found in the Journal on page 187 to indefinitely postpone was withdrawn.

Standing Committee amendments, AM0785, found in the Journal on page 1387 for the Fifty-Second Day, First Session, 1987, were considered.

Mr. Hartnett withdrew his pending amendments, AM1546, printed separate from the Journal and referred to on page 186, and AM2412, printed separate from the Journal and referred to on page 1584.

Mr. Hartnett renewed his pending amendment, AM2756, printed separate from the Journal and referred to on page 1728, to the Standing Committee amendments.

PRESIDENT NICHOL PRESIDING

Mr. Moore 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 Hartnett amendment was adopted with 24 ayes, 0 nays, 21 present and not voting, and 4 excused and not voting.

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 March 24, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Bartles, Bob - Lincoln, Nebraska Association of Private Residential Facilities for Mental Retardation (Withdrawn 88/01/01)
Erickson & Sederstrom
Thone, Charles - Lincoln, Kirkpatrick, Pettis, Smith-Polian
Gilbert, Ann - Lincoln (Withdrawn 88/03/21), National Association of Social Workers, Nebraska Chapter (Withdrawn 88/03/21)
Kratz, Paul D. - Omaha, Dubuque Packing Company
Lombardi, Richard
Lombardi, Richard A. - Lincoln, Association of Retarded Citizens - Nebraska (Withdrawn 88/03/16)
Mueller, William J./Knudsen, Berkheimer, et al.
Mueller, William J. - Lincoln, Project 2000
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, Project 2000
Ruth, Larry L./Knudsen, Berkheimer, et al.
Ruth, Larry L. - Lincoln, Project 2000

RESOLUTION

LEGISLATIVE RESOLUTION 424. Introduced by Landis, 46th District; Remmers, 1st District; Korshoj, 16th District.

WHEREAS, the College of Architecture of the University of Nebraska-Lincoln is committed to helping Nebraska communities plan for the future; and

WHEREAS, in May 1987, a project team of faculty members and students in the areas of architecture and community and regional planning conducted a pilot program in Oakland, Nebraska, to help city leaders develop a long-term community development plan; and

WHEREAS, the purpose of the plan was to help the community adapt to changes taking place in rural areas due to a shifting agricultural economy and an aging population; and

WHEREAS, Oakland was selected to take part in this project because of its long history of volunteerism and past success in the Nebraska Community Improvement Program sponsored by the College of Architecture and the Department of Economic Development; and

WHEREAS, after spending several days in Oakland interviewing local officials and citizens, the project team presented a detailed booklet of photographs, sketches, and recommendations to the community suggesting ways in which Oakland could better serve its residents and create an environment to help attract new businesses; and

WHEREAS, this partnership between the College of Architecture and Oakland's Community Development Corporation and Chamber of Commerce provided new knowledge and ideas for Oakland's city planners and an excellent educational experience for eleven students in the College of Architecture.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to the College of Architecture of the University of Nebraska-Lincoln for initiating this innovative and educational service program on behalf of the communities of Nebraska.

2. That the Legislature conveys its encouragement to the faculty members and students in the College of Architecture who are preparing to initiate a new planning partnership with the community of Pawnee city in the spring of 1988.

3. That a copy of this resolution be sent to Thomas S. Laging, Professor of Architecture, who served as director of the Oakland project; faculty members Gordon P. Scholz, Associate Professor of Community and Regional Planning, and John R. Gulick, Assistant Professor of Community Development, who served on the project team; and Cecil Steward, Dean of the College of Architecture, in recognition of his support for the project.

4. That a copy of this resolution be sent to the Chancellor of the University of Nebraska-Lincoln and the Board of Regents of the University of Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 632. Mr. Schmit renewed his pending amendment, AM2764, found in the Journal on page 1728 to the Standing Committee amendments.

Mr. Coordsen 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 Schmit amendment was adopted with 21 ayes, 0 nays, 25 present and not voting, and 3 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 1041.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 1041

The following changes, required to be reported for publication in the Journal, have been made:
ER0289
1. In the E & R amendment, AM5413, adopted March 23, 1988:
a. On page 2, lines 20 and 21, "387,500" has been struck and "453,500" inserted; and
b. On page 3, line 11, "18" has been struck and "11" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Messrs. Warner, Wesely, and Ashford asked unanimous consent to print the following amendment to LB 684 in the Journal. No objections. So ordered.

AM2782

(Amendments to Final Reading copy)

1. On page 1, strike lines 1 through 10, and insert "FOR AN ACT relating to collective bargaining; to amend section 81-1373, Revised Statutes Supplement, 1987; to change a provision relating to membership in a bargaining unit; to harmonize provisions; and to repeal the original section, and also section 48-816, Revised Statutes Supplement, 1987, as amended by section 1, Legislative Bill 519, Ninetieth Legislature, Second Session, 1988.".

2. Strike the original sections and insert the following new sections:

"Section. 1. That section 81-1373, Revised Statutes Supplement, 1987, be amended to read as follows:

81-1373. (1) For the purpose of implementing the state employees' right to organize for the purpose of collective bargaining, there are hereby created twelve bargaining units for all state agencies except the University of Nebraska, the Nebraska state colleges, and other constitutional offices. The units shall consist of state employees whose job classifications are occupationally and functionally related and who share a community of interest. The bargaining units shall be:

(a) Maintenance, Trades, and Technical, which unit is composed of generally recognized blue collar and technical classes, including highway maintenance workers, carpenters, plumbers, electricians, print shop workers, auto mechanics, engineering aides and associates, and similar classes;

(b) Administrative Support, which unit is composed of clerical and administrative nonprofessional classes, including typists, secretaries, accounting clerks, computer operators, office service personnel, and similar classes;

(c) Health and Human Care Nonprofessional, which unit is composed of institutional care classes, including nursing aides, psychiatric aides, therapy aides, and similar classes;

(d) Social Services and Counseling, which unit is composed of generally professional-level workers providing services and benefits to eligible persons. Classes shall include job service personnel, income maintenance personnel, social workers, counselors, and

similar classes;

(e) Administrative Professional, which unit is composed of professional employees with general business responsibilities, including accountants, buyers, personnel specialists, data processing personnel, and similar classes;

(f) Protective Service, which unit is composed of institutional security personnel, including correctional officers, building security guards, and similar classes;

(g) Law Enforcement, which unit is composed of employees holding powers of arrest, including Nebraska State Patrol officers and sergeants, game wardens, fire marshal personnel, and similar classes. Sergeants, investigators, and patrol officers employed by the Nebraska State Patrol as authorized in section 81-2004 shall be presumed to have a community of interest with each other and shall be included in this bargaining unit notwithstanding any other provision of law which may allow for the contrary;

(h) Health and Human Care Professional, which unit is composed of community health, nutrition, and health service professional employees, including nurses, doctors, psychologists, pharmacists, dietitians, licensed therapists, and similar classes;

(i) Examining, Inspection, and Licensing, which unit is composed of employees empowered to review certain public and business activities, including driver-licensing personnel, revenue agents, bank and insurance examiners, various public health and protection inspectors, and similar classes;

(j) Engineering, Science, and Resources, which unit is composed of specialized professional scientific occupations, including civil and other engineers, architects, chemists, geologists and surveyors, and similar classes;

(k) Teachers, which unit is composed of employees required to be licensed or certified as a teacher; and

(l) Supervisory, which unit is composed of employees who are supervisors as defined in section 48-801.

All employees who are excluded from bargaining units pursuant to the Industrial Relations Act and all

employees of the Department of Personnel shall be excluded from any bargaining unit of state employees.

(2) Any employee organization, including one which represents other state employees, may be certified or recognized as provided in the Industrial Relations Act as the exclusive collective-bargaining agent for a supervisory unit, except that such unit shall not have full collective-bargaining rights but shall be afforded only meet-and-confer rights.

(3) It is the intent of the Legislature that professional and managerial employee classifications and office and service employee classifications be grouped in broad occupational units for the University of Nebraska and the Nebraska state colleges established on a university-wide or college-system-wide basis, including all campuses within the system. Any unit entirely composed of supervisory employees of the University of Nebraska or the Nebraska state colleges shall be afforded only meet-and-confer rights. The bargaining units for academic, faculty, and teaching employees of the University of Nebraska and the Nebraska state colleges shall continue as they exist on April 9, 1987, and any adjustments thereto or new units therefor shall continue to be determined pursuant to the Industrial Relations Act.

(4) Other constitutional offices shall continue to subscribe to the procedures for unit determination in the Industrial Relations Act, except that the commission is further directed to determine the bargaining units in such manner as to (a) reduce the effect of overfragmentation of bargaining units on the efficiency of administration and operations of the constitutional office and (b) be consistent with the administrative structure of the constitutional office. Any unit entirely composed of supervisory employees of a constitutional office shall be afforded only meet-and-confer rights.

Sec. 2. That original section 81-1373, Revised Statutes Supplement, 1987, and also section 48-816, Revised Statutes Supplement, 1987, as amended by section 1, Legislative Bill 519, Ninetieth Legislature, Second Session, 1988, are repealed.".

GENERAL FILE

LEGISLATIVE BILL 632. Mr. Haberman asked unanimous consent to replace his amendment with a substitute amendment. No objections. So ordered.

Mr. Haberman offered the following substitute amendment to the pending Standing Committee amendments:

In the Schmit amendment, AM2764

Line 16 insert (5) the resurfacing and reconstruction of the highways in and around Nebraska's largest water impoundments.

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 Haberman amendment.

Voting in the affirmative, 11:

Baack	Chambers	Haberman	Labedz	Remmers
Bernard-Stevens	Elmer	Hall	Langford	Rogers
	Goodrich			

Voting in the negative, 30:

Abboud	Coordsen	Landis	Nelson	Smith
Ashford	Dierks	Lynch	Peterson	Warner
Barrett	Hannibal	Marsh	Pirsch	Wehrbein
Beyer	Johnson, R.	Miller	Schellpeper	Weihing
Campbell	Johnson, V.	Moore	Schmit	Wesely
Conway	Korshoj	Morehead	Scofield	Withem

Present and not voting, 5:

Chizek	Hartnett	Johanns	Johnson, L.	Lamb

Absent and not voting, 1:

McFarland

Excused and not voting, 2:

Hefner Higgins

The Haberman amendment lost with 11 ayes, 30 nays, 5 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Chambers and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks offered the following amendment to the Standing Committee amendments:

Amend AM2764-Page 1728 of the Journal as follows:

1. Strike all of line 15

3. Strike the word "States" on line 16

Mr. R. Johnson 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 26 ayes, 0 nays, and 23 not voting.

The Dierks amendment was adopted with 18 ayes, 5 nays, 21 present and not voting, and 5 excused and not voting.

Mr. Lamb asked unanimous consent to replace his amendment with a substitute amendment. No objections. So ordered.

Mr. Lamb offered the following substitute amendment to the Standing Committee amendments:

To amend the Hartnett amendment to LB 632 (AM2756)

1) On page 20, line 15, strike beginning with "(a)" through "(b)" on line 21, and show as stricken.

2) On page 21, line 16, strike beginning with "highway" through "for" on line 17 and show as stricken.

Mr. Lamb withdrew his pending amendment.

Mr. V. Johnson offered the following amendment to the Standing Committee amendments:

AM2795

(Amendments to AM2756)

1. Insert the following new sections:

"Sec. 19. That section 66-410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-410. At the time of filing the statement required by section 66-409 such dealer shall, in addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478 and in addition to the other taxes provided for by law, pay a tax of ten and one half cents per gallon upon all motor vehicle fuels as shown by such statement. Effective January 1, 1978, gasoline sold in Nebraska which contains a minimum of ten per cent blend of an agricultural ethyl alcohol whose purity shall be at least ninety-nine per cent alcohol, excluding denaturant, produced from cereal grains or domestic agricultural commodities shall be subject to a state motor fuel tax which is five cents per gallon less than gasoline which does not contain such a blend. Effective July 1, 1985, gasoline which contains such a blend shall be subject to a state motor fuel tax rate which is three cents per gallon less than gasoline which does not contain such a blend. Effective ~~January 1, 1993~~ October 1, 1988, gasoline which contains such a blend shall be subject to the same state motor fuel tax rate as gasoline which does not contain such a blend. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 21. That section 66-428, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-428. In addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478, there is hereby levied and imposed an excise tax of ten and one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under ~~the provisions of~~ section 66-410 or Chapter 66, article 6, except that such excise tax after June 1, 1979, shall be five cents per gallon less on motor vehicle fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol produced from cereal grains or domestic agricultural commodities whose purity shall be at least ninety-nine per cent alcohol, excluding denaturant, than on motor vehicle fuel which does not contain such a blend. Effective July 1, 1985, such excise tax shall be three cents per gallon less on such motor vehicle fuel containing such a blend than on such motor vehicle fuel which does not contain such a blend. Effective ~~January 1, 1993~~ October 1, 1988, the excise

tax on such motor vehicle fuel containing such a blend shall be the same as that on such motor vehicle fuel which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.".

2. On page 30, line 20, before "66-424" insert "66-410," and after the last comma insert "66-428,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit requested a ruling of the Chair on whether the V. Johnson amendment is germane to the Standing Committee amendments.

The Chair ruled the V. Johnson amendment is not germane to the Standing Committee amendments.

Mr. Moore 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. V. Johnson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 12 ayes, 22 nays, 9 present and not voting, and 6 excused and not voting.

Pending.

Messrs. L. Johnson and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 1110 in the Journal. No objections. So ordered.

AM2797

(Amendments to Standing Committee amendments, AM1908)

1. Insert the following new section:

"Sec. 24. That section 21-2035, Revised Statutes Supplement, 1987, be amended to read as follows:

21-2035. (1) All corporate powers shall be exercised by or under the authority of, and the business and affairs of a corporation shall be managed under the direction of, a board of directors, except as may be otherwise provided in the Nebraska Business Corporation Act or in the articles of incorporation. If any provision is made in the articles of incorporation, the powers and duties conferred or imposed upon the board of directors by such act shall be exercised or performed to such extent and by such person or persons as shall be provided in the articles of incorporation. Directors need not be residents of this state or shareholders of the corporation unless the articles of incorporation or bylaws so require. The articles of incorporation or bylaws may prescribe other qualifications for directors, but any change in qualifications that the articles of incorporation or bylaws may make shall not affect the incumbent directors during the term for which they were elected. The board of directors shall have authority to fix the compensation of directors unless otherwise provided in the articles of incorporation.

A director shall, based on facts then known to the director, perform his or her duties as a director, including his or her duties as a member of any committee of the board upon which he or she may serve, in good faith, in a manner he or she reasonably believes to be in the best interests of the corporation, and with such care as an ordinarily prudent person in a like position would use under similar circumstances. For purposes of this section, facts then known to the director shall mean information or knowledge actually possessed by a director and information and facts contained in material given or presented, either orally or in writing, to a director by other directors or by officers, employees, agents, or consultants engaged by or representing the corporation.

In performing his or her duties, a director shall be entitled to rely on information, opinions, reports, or statements, including financial statements

and other financial data, in each case prepared or presented by:

~~(1)~~ (a) One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented;

~~(2)~~ (b) Counsel, public accountants, or other persons as to matters which the director reasonably believes to be within such person's professional or expert competence; or

~~(3)~~ (c) A committee of the board upon which he or she does not serve, duly designated in accordance with a provision of the articles of incorporation or the bylaws, as to matters within its designated authority, which committee the director reasonably believes to merit confidence, but the director shall not be considered to be acting in good faith if he or she has knowledge concerning the matter in question that would cause such reliance to be unwarranted. A person who so performs his or her duties shall have no liability by reason of being or having been a director of the corporation.

A director may, but need not, in considering the best interests of the corporation, consider, among other things, the effects of any action on employees, suppliers, creditors, and customers of the corporation and communities in which offices or other facilities of the corporation are located.

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his or her dissent is entered in the minutes of the meeting or unless he or she files his or her written dissent to such action with the secretary of the meeting before the adjournment thereof or forwards such dissent by certified or registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

(2) In addition to the matters required to be set forth in the articles of incorporation by section 21-2052, the articles of incorporation may also contain a provision eliminating or limiting the personal liability of an outside director to the corporation or

its stockholders for monetary damages for breach of fiduciary duty as a director. Such a provision shall not eliminate or limit the liability of an outside director for:

(a) Any act or omission not in good faith which involves intentional misconduct or a knowing violation of the law;

(b) Any transaction from which the outside director derived an improper direct or indirect financial benefit;

(c) Paying a dividend or approving a stock repurchase which was in violation of the Nebraska Business Corporation Act;

(d) Any act or omission which violates a declaratory or injunctive order obtained by the corporation or its shareholders; and

(e) Any act or omission occurring prior to the date such provision becomes effective.

For purposes of this section, outside director shall mean a member of the board of directors of a corporation incorporated or domesticated under the laws of the State of Nebraska who is not an officer or a person who may control the conduct of the corporation through management agreements, voting trusts, directorships in related corporations, or any other device or relationship.".

2. On page 21, line 10, after "That" insert "original section 21-2035, Revised Statutes Supplement, 1987, and also".

3. Insert underscoring in original sections 1 to 23.

4. Renumber remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 1157 in the Journal. No objections. So ordered.

AM2758

(Amendments to Final Reading second)

1. On page 5, line 6, strike the comma and insert "or"; in lines 7 to 8 strike "or a unit investment trust,"; in lines 13, 17, and 24, strike "or trust"; in line 23 strike "or trusts"; and in line 24 strike "files" and insert "shall file".

2. On page 6, lines 5, 7, 9 to 10, 12, and

24, strike "or trust"; in line 7 strike "pays" and insert "shall pay"; and in line 24 strike "a" and insert "any".

3. On page 7, line 3, after "section" insert an underscored comma; and in line 6 strike "or trust".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 764 and 764A.

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 632. 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. Lamb moved to indefinitely postpone LB 632.

Mrs. Marsh 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. Lamb requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 12:

Baack	Bernard-Stevens	Lamb	Pirsch	Weihing
Barrett	Haberman	Morehead	Remmers	Wesely
		Nelson	Smith	

Voting in the negative, 23:

Ashford	Coordsen	Korshoj	Moore	Schmit
Beyer	Goodrich	Landis	Peterson	Warner
Campbell	Hall	Langford	Rogers	Wehrbein
Chizek	Hartnett	Marsh	Schellpeper	Withem
Conway	Johnson, V.	Miller		

Present and not voting, 7:

Dierks	Hannibal	Labedz	Lynch	Scofield
Elmer	Johanns			

Excused and not voting, 7:

Abboud	Hefner	Johnson, L.	Johnson, R.	McFarland
Chambers	Higgins			

The Lamb motion to indefinitely postpone lost with 12 ayes, 23 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Ashford	Conway	Hartnett	Miller	Schellpeper
Bernard-Stevens	Coordsen	Johanns	Moore	Schmit
Beyer	Elmer	Johnson, V.	Morehead	Warner
Campbell	Goodrich	Korshoj	Peterson	Wehrbein
Chizek	Hall	Langford	Rogers	Withem
	Hannibal	Marsh		

Voting in the negative, 11:

Baack	Landis	Pirsch	Scofield	Weihing
Barrett	Nelson	Remmers	Smith	Wesely
Lamb				

Present and not voting, 4:

Dierks	Haberman	Labedz	Lynch

Excused and not voting, 7:

Abboud	Hefner	Johnson, L.	Johnson, R.	McFarland
Chambers	Higgins			

Advanced to E & R for Review with 27 ayes, 11 nays, 4 present and not voting, and 7 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Peterson asked unanimous consent to have his name added as co-introducer to LB 632. No objections. So ordered.

Mrs. Campbell asked unanimous consent to have her name added as co-introducer to LB 632. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1234. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 38.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 38

The following changes, required to be reported for publication in the Journal, have been made:
ER0290

1. In the Warner amendment, AM2640, adopted March 24, 1988, on page 2, line 17; and page 3, line 19, "and" has been inserted after "hundred".

2. In the E & R amendment, AM5411, adopted March 24, 1988, on page 1, line 9, "state" has been struck and "section" has been struck and "sections 79-2650, 79-2650.07, and" inserted; in line 10 "to change provisions relating to tax levies by technical community college area boards;" has been inserted after the semicolon; and in line 13 "section" has been struck and "sections" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 866 in the Journal. No objections. So ordered.

AM2799

1. Strike the original sections and all amendments thereto 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 1, 1986, in any state-supported university, college, or technical community college shall be entitled to a credit of seventy-five percent of the resident tuition charges of such school. Such entitlement shall be for a period of ten years from the date of the member's initial membership 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 ~~twelve hundred members~~ the number specified in section 85-505.01 during any fiscal 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, and the Nebraska National Guard shall apply those program qualifications and limitations consistent with efficient and effective program management as determined by the Adjutant General.

Sec. 2. That section 85-505.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-505.01. (1) The tuition assistance program prescribed in sections 85-505 to 85-508 shall not be available to:

(a) More than ~~twelve~~ one thousand two hundred members during any fiscal year, except that for the fiscal year ending June 30, 1988, the limit shall be one thousand two hundred and fifty members;

(b) Commissioned and warrant officers who have

a baccalaureate degree or are eligible for any other equivalent federal benefits;

(c) Enlisted personnel entitled to any equivalent federal educational benefits, except that this subdivision shall not apply to personnel receiving assistance from the federal Educational Assistance Program for Members of the Selected Reserve; and

(d) Enlisted personnel who have a baccalaureate degree.

(2) The tuition assistance program prescribed in sections 85-505 to 85-508 shall be available to members of the Nebraska National Guard for a period of ten years from the date of initial membership.

(3) Any member of the Nebraska National Guard receiving tuition assistance under sections 85-505 to 85-508 may obtain only one undergraduate degree under such tuition assistance program. Only credit-bearing courses which meet degree requirements shall be approved for tuition assistance. Members shall not receive tuition assistance for any noncredit courses.

(4) If a member of the Nebraska National Guard voluntarily withdraws from a course for which he or she is receiving tuition assistance, the member shall be liable for all costs relating to such withdrawal, including, but not limited to, all of the costs billed by the educational institution to the Nebraska National Guard. Reimbursement shall be in accordance with section 77-2418.

(5) All non-prior-service enlistees shall have completed basic military training, military occupational specialty training, or skill-level training prior to being eligible for tuition assistance.

(6) Any member of the Nebraska National Guard who receives tuition assistance shall agree in writing to serve in the Nebraska National Guard for three years after the completion of the courses for which tuition assistance was given. Any member who receives tuition assistance may be asked to reimburse the State of Nebraska if any such member leaves the Nebraska National Guard during such three-year period. Reimbursement shall be in accordance with section 77-2418.

(7) The Military Department shall retain the responsibility and authority to establish any limitations and controls it deems necessary to ensure

maximum fiscal efficiency and productivity of the tuition assistance program prescribed in sections 85-505 to 85-508.

Sec. 3. There is hereby appropriated $25,000 from the General Fund for the period July 1, 1987, to June 30, 1988, to the Military Department, for Program 548, to aid in carrying out section 85-505.01.

Sec. 4. That original sections 85-505 and 85-505.01, 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. Schellpeper asked unanimous consent to print the following amendment to LB 1092 in the Journal. No objections. So ordered.

AM2793

(Amendments to Standing Committee amendments, AM2536)

1. On page 1, line 8, strike "12" and insert "13".

2. On page 2, line 24, strike "a facility for the disposal" and insert "low-level radioactive waste be disposed of in a manner which best protects the health and safety of its citizens and the environment. In order that the highest level of protection be established, the developer shall be required to meet the best available geologic, topographic, and hydrologic standards for siting a facility, the community in the area affected by the facility shall grant its consent to the location of the facility by voting to accept it, and the facility shall be constructed, operated, and monitored in a manner consistent with the terms of state and federal law and in a manner intended to fulfill the zero-release objective set out in section 81-1580.

The Legislature finds that community consent is necessary to protect the health and safety of the people and the environment since the people of the local area must deal with the economic and environmental impact of a facility and safe disposal of radioactive waste depends on the cooperation and assistance by the local community, including fire and police protection and road maintenance. Community consent in a democratic society is best expressed by approval of a majority of

the voters of such community voting on that issue.".

3. On page 3, strike lines 1 through 16.

4. On page 5, line 1, strike "and (g)" and insert "(g) payment of the costs of the special election prescribed in section 6 of this act, and (h)".

5. Insert the following new section:

"Sec. 6. (1) Prior to submitting an application for a facility, the developer shall provide written notification to the Governor, Legislature, department, and county board of each county in which the proposed site is to be located and shall publish notice for at least three consecutive weeks in at least one newspaper with general circulation in each county in which the proposed site is to be located. Failure to comply with this subsection with respect to a given site shall bar the developer from applying for a license for a facility to be located at such site.

(2) At least ninety but not more than one hundred eighty days after the county board receives the notice prescribed by subsection (1) of this section, a special election shall be held for purposes of voting on the following question:

Shall a low-level radioactive waste facility be built at the proposed site in .....County?

Yes..... No.....

If more than one site is proposed within a county, a separate ballot shall be used for each site and the ballot questions shall distinguish more specifically between the sites.

(3) Any registered voter who is a resident of a county in which a proposed site is to be located may vote on such question. If at least a majority of such registered voters voting on the question for a given site vote no, the application for a license for a facility at such site shall not be approved.

(4) The special election shall be called by the county board of each county in which the proposed site is to be located, and the date for the special election shall be publicly announced by each county board within twenty-one days after the public identification of the site by the person proposing the facility pursuant to subsection (1) of this section.

(5) If the date chosen for the special

election is fifty days or less before a general or primary election, the special election shall be delayed to the same date as the general or primary election.

(6) The ballots from the special election shall be certified to the county board of each county in which the proposed site is to be located.

(7) The costs of the special election shall be paid from the Low-Level Radioactive Waste Cash Fund.".

5. Renumber the remaining sections accordingly.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 1092 in the Journal. No objections. So ordered.

AM2772
(Amendments to Standing Committee amendments, AM2536)

1. On page 5, line 18, strike "twenty" and insert "fifty"; in line 19 after "81-15,101.01" insert "and rules or regulations adopted and promulgated pursuant to the act"; in line 20 after "technical" insert "or"; and in line 24 strike ". The local monitoring committee shall not" and insert "to carry out any other necessary functions, including independent analysis of data developed by the applicant or the department.".

2. On page 6, strike lines 1 through 3; in line 16 strike "an office" and insert "the central offices"; and strike beginning with "the" in line 17 through line 18 and insert "January 1, 1989.".

3. On page 7, line 17, strike "contiguous to the original boundary of the facility" and insert "in a county in which a proposed site is to be located"; and in line 24 after "waste" insert "or when the property is sold".

4. On page 8, strike beginning with "which" in line 12 through "compensated" in line 13.

5. On page 9, line 5, strike "liability" and insert "strict liability in tort".

UNANIMOUS CONSENT - Expedite LB 1233

Mr. Remmers asked unanimous consent to expedite LB 1233. No objections. So ordered.

VISITORS

Visitors to the Chamber were 20 fifth grade students and teachers from Oxford Elementary School; Connie Justis and Connie Day from Norfolk; 56 fourth grade students and teacher from Cottonwood Elementary School, Omaha; Dale Collinsworth and Robert Freson from Columbus; and Senator Morehead's sister, Mary Kullberg, husband, Jim, and children, Jim, Pat, and Steve from Overland Park, Kansas.

ADJOURNMENT

At 4:50 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Monday, March 28, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - MARCH 28, 1988

LEGISLATIVE JOURNAL

FIFTY-THIRD DAY - MARCH 28, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 28, 1988

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Dan Gross, Kimball Presbyterian Church.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chambers, McFarland, Mesdames Higgins, Johanns, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1768, lines 18 and 19, delete "American Communications Group, Inc." and insert "Association of Retarded Citizens - Nebraska".
The Journal for the Fifty-Second Day was approved as corrected.

REPORT

Received annual report from the Nebraska Public Counsel (Ombudsman) in compliance with Section 81-8,251, R.R.S. 1943.

RESOLUTIONS

LEGISLATIVE RESOLUTION 419. Read. Considered.

LR 419 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 420. Read. Considered.

LR 420 was adopted with 30 ayes, 0 nays, and 19 not voting.

MOTION - Return LB 1170 to Select File

Mr. Haberman moved to return LB 1170 to Select File for his specific amendment, AM2129, found in the Journal on page 1410.

The Haberman motion to return prevailed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1170. The Haberman specific amendment, AM2129, found in the Journal on page 1410 was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 1170 to Select File

Mr. Wesely and Mrs. Morehead moved to return LB 1170 to Select File for the following specific amendment:
AM2803

(Amendments to Final Reading copy)

1. On page 14, strike lines 9 through 25 and show the old matter as stricken.

2. On page 15, strike lines 1 through 5 and show the old matter as stricken.

3. On page 17, strike beginning with "Each" in line 16 through line 25, show the old matter as stricken, and insert "For the purpose of providing the funds to be transferred from the School Employees' Savings Account for formula annuities, every employee shall be required to make deposits in the School Retirement Fund. Such deposits shall be a percentage of total compensation and shall be transmitted at the same time and in the same manner as required employer contributions. For each fiscal year, such percentage shall be determined by the retirement board upon recommendation of the actuary and shall be equal to

forty-nine and seventy-five hundredths percent of the amount determined by deducting from the then actuarial present value of all future liabilities to be funded by transfers from the School Employer's Deposit Account and the School Employees' Savings Account the amount then credited to such funds and dividing the remainder by the actuarial present value of one percent of future compensation for current active members.

(2) For the purpose of providing the funds to be transferred from the School Employer's Deposit Account for formula annuities, every employer shall be required to make deposits in the School Retirement Fund. Such deposits shall be one hundred one percent of the required contributions of the school employees of each employer and shall be transmitted to the retirement board at the same time and in the same manner as such required employee contributions.".

4. On page 18, strike line 1 and show as stricken; and in line 2 strike "(2)", show as stricken, and insert "(3)".

5. On page 19, line 12, after "withhold" insert "an amount"; and strike beginning with "five" in line 15 through "member" in line 16 and show as stricken.

6. On page 21, strike beginning with the comma in line 10 through "and" in line 11 and show as stricken; and in line 12 strike the first comma and show as stricken.

7. On page 26, line 18, after "created" insert "(1)"; and in line 20 after the comma insert "(2) to fund the adjusted supplemental retirement benefit provided by section 21 of this act," and after "and" insert "(3)".

8. On page 27, line 15, after "Account" insert "or shall be used to fund the adjusted supplemental retirement benefit provided by section 21 of this act".

9. Insert the following new sections:

"Sec. 21. (1) Commencing October 1, 1988, the Public Employees Retirement Board shall determine an adjusted supplemental retirement benefit to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement for each person who is retired from the School Retirement System

of the State of Nebraska or the retirement system for Class V school districts as provided by sections 79-1032 to 79-1060 with twenty-five or more years of creditable service as of October 1, 1988.

(2) For each person who qualifies under subsection (1) of this section, the board shall determine the value of the total monthly benefit being received from the School Retirement System of the State of Nebraska or the retirement system for Class V school districts and the supplemental benefit provided by section 79-1560, if applicable. From two hundred fifty dollars, the board shall subtract the total monthly benefit. Such difference, if positive, shall be the adjusted supplemental retirement benefit and shall be paid to the retired person each month, except that if this difference is less than five dollars, a minimum payment of five dollars per month shall be made to such person. The adjusted supplemental retirement benefit shall be paid to a retired person during his or her life.

(3) The board may buy a paid-up annuity for a retired person which guarantees the adjusted supplemental retirement benefit provided under this section.

(4) The adjusted supplemental retirement benefit provided under this section shall be funded from the Contingent Account, but only from such income which would be paid to the School Employees' Savings Account and the School Employer's Deposit Account.

Sec. 22. That section 84-1503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1503. (1) It shall be the duty of the Public Employees Retirement Board:

(a) To administer the retirement systems provided for in sections 23-2301 to 23-2331, 24-701 to 24-733, 50-901 to 50-919, 79-1501 to 79-1565, 81-2014 to 81-2034, and 84-1301 to 84-1331 and section 21 of this act;

(b) To hire a director to administer the systems under direction of the board. The director shall not be a member of the board. Salaries of the director and his or her employees shall be set by the board;

(c) To provide for an equitable allocation of expenses among the retirement systems administered by the board, and all expenses shall be provided from the investment income earned by the various retirement funds unless alternative sources of funds to pay expenses shall be specified by law; and

(d) To administer the deferred compensation program authorized in section 84-1504.

(2) In administering the retirement systems listed in subdivision (1)(a) of this section, it shall be the duty of the board:

(a) To use the services of the state investment officer or to select, on the basis of the most sound proposal or proposals received, after written notice of such proposition to all domestic companies, one or more life insurance companies, banks, trust companies, or investment managers authorized to do business in Nebraska to underwrite, serve as trustee, or manage investments for the retirement system and to enter into a contract or contracts with such company or companies in the name of the retirement system, except that if a bank, trust company, or investment manager is chosen as the primary carrier or investment manager the funds shall be invested or reinvested in such securities and investments of the nature which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another, and if the life insurance company, bank, trust company, or investment manager has special skills or is named on the basis of representations of special skills or expertise, it is under a duty to use such skills;

(b) To change underwriters, trustees, or investment managers if, in the judgment of the board, such action would be desirable. The cancellation notice may be given by telephone and shall be confirmed in writing within five days by the board or a designated person appointed by the board;

(c) To determine the prior service annuity, if any, for each person who shall be an employee of the county on the date of adoption of the retirement system;

(d) To determine the eligibility of an individual to be a member of the retirement system and other questions of fact in the event of a dispute between an individual and the county board in his or her

county;

(e) To adopt and promulgate rules and regulations for the management of the board;

(f) To keep a complete record of all proceedings taken at any meeting of the board; and

(g) To employ such actuarial and other assistance as may be necessary in the performance of its duties. An actuary employed by the board shall be a member of the American Academy of Actuaries.

(3) It shall be the duty of such board to have an analysis made of the investment return that has been achieved on the assets of each retirement system administered by the board. Such analysis shall be prepared as of January 1, 1984, and each four years thereafter. The analysis shall be prepared by an independent private organization which has demonstrated expertise to perform this type of analysis and which is unrelated to any organization offering investment advice or which provides investment management services to the retirement system. The analysis may be waived by the board for any retirement system with assets of less than ten million dollars.".

10. On page 30, line 9, strike "and" and before "Reissue" insert "and 84-1503,".

11. Renumber remaining section accordingly.

12. On page 1, line 5, strike "and" and before "Reissue" insert "and 84-1503,"; and in line 9 after the first semicolon insert "to change retirement benefits as prescribed; to change contribution provisions; to provide powers and duties;".

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Wesely-Morehead motion to return prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1170. The Wesely-Morehead specific amendment, AM2803, found in this day's Journal was considered.

Mr. Abboud 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 Wesely-Morehead specific amendment 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 294A. Introduced by V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 294, Ninetieth Legislature, Second Session, 1988.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1233. Placed on Select File.

LEGISLATIVE BILL 1083. Placed on Select File as amended.
E & R amendments to LB 1083:
AM5427

1. In the Landis-Ashford amendment, AM2747, adopted March 24, 1988:

a. On page 1, lines 12 and 13; and page 5, line 22, strike the comma;

b. On page 7, line 4, strike "the purpose" and insert "purposes";

c. On page 8, line 3, strike "constitute" and insert "constitutes"; and

d. On page 9, line 8, strike beginning with "formed" through "Act".

2. On page 1, strike beginning with "the" in line 1 through line 12 and insert "financing; to state intent; to define terms; to authorize joint agreements among political subdivisions and with the Nebraska Investment Finance Authority; to provide powers, duties, and limitations; and to provide severability.".

LEGISLATIVE BILL 1178. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM5426.)

LEGISLATIVE BILL 1232. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM5425.)

(Signed) Scott Moore, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 377.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-669.16, Revised Statutes Supplement, 1986, and sections 39-669.07 and 39-669.08, Revised Statutes Supplement, 1987; to change penalty provisions relating to driving while under the influence of alcoholic liquor or a drug and refusal to submit to a chemical test; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Higgins	Langford	Rogers
Ashford	Dierks	Johanns	McFarland	Schellpeper
Baack	Elmer	Johnson, L.	Miller	Scofield
Barrett	Goodrich	Johnson, R.	Moore	Smith
Bernard-Stevens	Haberman	Johnson, V.	Morehead	Warner
Beyer	Hall	Korshoj	Nelson	Wehrbein
Campbell	Hannibal	Labedz	Peterson	Weihing
Chizek	Hartnett	Lamb	Pirsch	Wesely
Conway	Hefner	Landis	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 3:

Lynch Marsh Schmit

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 391. With Emergency.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-613, Reissue Revised Statutes of Nebraska, 1943; to provide that interest will accrue to the General Fund; 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, 48:

Abboud	Conway	Higgins	Lynch	Rogers
Ashford	Coordsen	Johanns	Marsh	Schellpeper
Baack	Dierks	Johnson, L.	McFarland	Scofield
Barrett	Elmer	Johnson, R.	Miller	Smith
Bernard-Stevens	Goodrich	Johnson, V.	Moore	Warner
	Haberman	Korshoj	Morehead	Wehrbein
Beyer	Hall	Labedz	Nelson	Weihing
Campbell	Hannibal	Lamb	Peterson	Wesely
Chambers	Hartnett	Landis	Pirsch	Withem
Chizek	Hefner	Langford	Remmers	

Voting in the negative, 0.

Present and not voting, 1:

Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1040. With Emergency.

A BILL FOR AN ACT relating to public employees; to amend sections 81-1341.01 and 81-1341.03, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to salary increases as prescribed; to change provisions relating to appropriations for salaries; to provide authority for the adjustment of terms and conditions of employment of certain employees; to eliminate obsolete provisions; to provide an operative date; to repeal the original sections, and also section 81-1341.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Conway	Johanns	Marsh	Schellpeper
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Dierks	Johnson, R.	Miller	Scofield
Barrett	Elmer	Johnson, V.	Moore	Smith
Bernard-Stevens	Goodrich	Korshoj	Morehead	Warner
	Haberman	Labedz	Nelson	Wehrbein
Beyer	Hall	Lamb	Peterson	Weihing
Campbell	Hannibal	Landis	Pirsch	Wesely
Chambers	Hartnett	Langford	Remmers	Withem
Chizek	Hefner	Lynch	Rogers	

Voting in the negative, 0.

Present and not voting, 1:

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 1040A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1040, Ninetieth Legislature, Second

Session, 1988; 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, 48:

Abboud	Conway	Johanns	Marsh	Schellpeper
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Dierks	Johnson, R.	Miller	Scofield
Barrett	Elmer	Johnson, V.	Moore	Smith
Bernard-Stevens	Goodrich	Korshoj	Morehead	Warner
	Haberman	Labedz	Nelson	Wehrbein
Beyer	Hall	Lamb	Peterson	Weihing
Campbell	Hannibal	Landis	Pirsch	Wesely
Chambers	Hartnett	Langford	Remmers	Withem
Chizek	Hefner	Lynch	Rogers	

Voting in the negative, 0.

Present and not voting, 1:

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.

MOTION - Return LB 1157 to Select File

Mr. Landis moved to return LB 1157 to Select File for his specific amendment, AM2758, found in the Journal on page 1780.

The Landis motion to return prevailed with 37 ayes, 0 nays, and 12 present and not voting.

SELECT FILE

LEGISLATIVE BILL 1157. The Landis specific amendment, AM2758, found in the Journal on page 1780 was adopted with 38 ayes, 0 nays, and 11 present 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 1220. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-309, 44-4303, 44-4313, and 44-4320, Revised Statutes Supplement, 1987; to change provisions relating to authorized investments; to redefine a term; to change a provision relating to the computation of annual payments to the Department of Insurance and the disposition of the proceeds; 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	Conway	Johanns	Lynch	Schellpeper
Ashford	Coordsen	Johnson, L.	Marsh	Schmit
Baack	Dierks	Johnson, R.	McFarland	Scofield
Barrett	Elmer	Johnson, V.	Moore	Smith
Bernard-Stevens	Goodrich	Korshoj	Morehead	Warner
	Haberman	Labedz	Nelson	Wehrbein
Beyer	Hall	Lamb	Peterson	Weihing
Campbell	Hannibal	Landis	Pirsch	Wesely
Chambers	Hartnett	Langford	Remmers	Withem
Chizek	Hefner			

Voting in the negative, 0.

Present and not voting, 3:

Higgins	Miller	Rogers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1235. With Emergency.

A BILL FOR AN ACT relating to claims against the state; to make appropriations for the payment of certain claims against the state; to provide how payments shall be made; to authorize certain write-offs 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, 49:

Abboud	Conway	Higgins	Lynch	Rogers
Ashford	Coordsen	Johanns	Marsh	Schellpeper
Baack	Dierks	Johnson, L.	McFarland	Schmit
Barrett	Elmer	Johnson, R.	Miller	Scofield
Bernard-Stevens	Goodrich	Johnson, V.	Moore	Smith
	Haberman	Korshoj	Morehead	Warner
Beyer	Hall	Labedz	Nelson	Wehrbein
Campbell	Hannibal	Lamb	Peterson	Weihing
Chambers	Hartnett	Landis	Pirsch	Wesely
Chizek	Hefner	Langford	Remmers	Withem

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 1237. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of civil action claims against the state; to provide how payment 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, 47:

Abboud	Ashford	Baack	Barrett

Bernard-Stevens	Elmer	Johnson, L.	Miller	Schmit
Beyer	Goodrich	Johnson, R.	Moore	Scofield
Campbell	Haberman	Johnson, V.	Morehead	Smith
Chambers	Hall	Korshoj	Nelson	Warner
Chizek	Hannibal	Labedz	Peterson	Wehrbein
Conway	Hartnett	Lamb	Pirsch	Weihing
Coordsen	Hefner	Landis	Remmers	Wesely
Dierks	Higgins	Langford	Rogers	Withem
	Johanns	Marsh	Schellpeper	

Voting in the negative, 0.

Present and not voting, 2:

Lynch McFarland

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 - Add Co-Introducer

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 632. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 294. Mr. Miller withdrew his pending amendment, AM2449, printed separate from the Journal and referred to on page 1273.

Mr. Schmit withdrew his pending amendment, AM2423, found in the Journal on page 1275.

Mr. V. Johnson renewed his pending amendment, AM2546, found in the Journal on page 1373.

Mrs. Labedz requested a ruling of the Chair on whether the V. Johnson amendment is germane to the bill.

The Chair ruled the V. Johnson amendment is not germane to the bill.

Mr. V. Johnson moved to suspend the rules, Rule 7 §3 (D) to permit consideration of the V. Johnson amendment, AM2546.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Hall requested a record vote on the V. Johnson motion to suspend the rules.

Voting in the affirmative, 30:

Ashford	Haberman	Johnson, V.	Moore	Scofield
Barrett	Hannibal	Lamb	Morehead	Warner
Bernard-Stevens	Hartnett	Landis	Nelson	Wehrbein
Beyer	Hefner	Langford	Peterson	Weihing
Campbell	Johanns	Marsh	Pirsch	Wesely
Elmer	Johnson, L.	Miller	Rogers	Withem

Voting in the negative, 14:

Baack	Coordsen	Higgins	Labedz	Schellpeper
Chizek	Dierks	Johnson, R.	McFarland	Smith
Conway	Hall	Korshoj	Remmers	

Present and not voting, 5:

Abboud	Chambers	Goodrich	Lynch	Schmit

The V. Johnson motion to suspend the rules prevailed with 30 ayes, 14 nays, and 5 present and not voting.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1237, 1235, 1220, 1040A, 1040, 391, and 377.

SELECT FILE

LEGISLATIVE BILL 294. The pending V. Johnson amendment, AM2546, found in the Journal on page 1373 and considered in this day's Journal, was renewed.

Mr. McFarland moved to bracket LB 294 until April 4, 1988.

Mr. Schmit 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 25 ayes, 14 nays, and 10 not voting.

The McFarland motion to bracket lost with 7 ayes, 27 nays, 14 present and not voting, and 1 excused and not voting.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 28, 1988, at 11:45 a.m., were the following bills: 377, 391, 1040, 1040A, 1220, 1235, and 1237.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 1042 in the Journal. No objections. So ordered.

AM2808

1. Insert the following new sections:

"Section 1. That section 79-2644, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2644. In addition to any other powers and duties imposed upon the technical community college system or its areas, campuses, or boards by sections 79-2636 to 79-2662 and 85-917 to 85-967 and any other provision of law, each board shall be charged with the following powers, duties, and responsibilities:

(1) To have general supervision, control, and operation of each technical community college within its jurisdiction;

(2) To develop and offer programs of vocational and technical education, academic courses which are supportive of the vocational and technical

programs, and such other programs and courses as the needs of the area served may require, except that a technical community college shall not develop or offer a program of technical agriculture. The board shall avoid unnecessary duplication of existing programs and courses in meeting the needs of the students and area;

(3) To employ, for a period to be fixed by the board, executive officers and members of the faculty and such other administrative officers and employees as may be necessary or appropriate and fix their salaries and duties;

(4) To construct, lease, purchase, purchase on contract, operate, equip, and maintain facilities and contract for services connected with the operation of the technical community college area as needs and interest demand;

(5) To cause an examination and comprehensive audit of the books, accounts, records, and affairs, including full-time equivalent student enrollment and reimbursable educational unit totals as defined in section 79-2637, to be made annually covering the most recently completed fiscal year. Such examination and audit of the books, accounts, records, and affairs shall be completed and filed with the Auditor of Public Accounts and the Department of Administrative Services on or before October 15 of each year. The examination and audit of the full-time equivalent student enrollment and reimbursable educational unit totals shall be completed and filed with the Auditor of Public Accounts and the Department of Administrative Services on or before August 15 of each year;

(6) To establish fees and charges for the facilities authorized by sections 79-2636 to 79-2662. Each board of a technical community college area may enter into agreements with owners of facilities to be used for housing regarding the management, operation, and government of such facilities and may employ necessary employees to govern, manage, and operate such facilities;

(7) To receive such gifts, grants, conveyances, and bequests of real and personal property from public or private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the

technical community college programs as specified by law. Each board may sell, lease, exchange, invest, or expend such gifts, grants, conveyances, and bequests or the proceeds, rents, profits, and income therefrom according to the terms and conditions thereof and adopt and promulgate rules and regulations governing the receipt and expenditure of such proceeds, rents, profits, and income, except that acceptance of such gifts, grants, or conveyances shall not be conditioned on matching state or local funds;

(8) To prescribe the courses of study for any technical community college under its control, and publish such catalogs and bulletins as may be necessary, except that a technical community college shall not prescribe a course of study in technical agriculture;

(9) To grant to every student upon graduation or completion of a course of study a suitable diploma, associate degree, or certificate;

(10) To adopt and promulgate such rules and regulations and perform all other acts as the board may deem necessary or appropriate to the administration of the technical community college area. Such rules and regulations shall include, but not be limited to, rules and regulations relating to facilities, housing, scholarships, discipline, and pedestrian and vehicular traffic on property owned, operated, or maintained by the technical community college area;

(11) To employ, for a period to be fixed by the board, an executive officer for the technical community college area and, by written order filed in its office, delegate to such executive officer any of the powers and duties vested in or imposed upon it by sections 79-2636 to 79-2662. Such delegated powers and duties may be exercised in the name of the board;

(12) To acquire real property by eminent domain pursuant to Chapter 76, article 7;

(13) To acquire real and personal property and sell, convey, or lease such property whenever the technical community college area will be benefited thereby. The sale, conveyance, or lease of any real estate owned by a technical community college area shall be effective only when authorized by an affirmative vote of at least two-thirds of all the members of the board;

(14) To enter into agreements for services,

facilities, or equipment and for the presentation of courses for students, except that a technical community college shall not present a course in technical agriculture, when such agreements are deemed to be in the best interests of the education of the students involved;

(15) To invest, after proper consideration of the requirements for the availability of money, funds of the college in securities the nature of which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another;

(16) To establish tuition rates for courses of instruction offered by each college within its area. Separate tuition rates shall be established for students who are nonresidents of the State of Nebraska;

(17) To establish a fiscal year for the area which conforms to the fiscal year of the state; and

(18) To exercise any other powers, duties, and responsibilities necessary to carry out the provisions of sections 79-2636 to 79-2662.

Sec. 3. That section 85-964, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-964. The technical community colleges may provide such academic course instruction as may be necessary to support vocational-technical and occupational programs, except that the technical community colleges shall not provide such instruction in technical agriculture.

2. On page 3, line 12, strike "2" and insert "4"; and in line 13 strike "3" and insert "5".

3. On page 6, line 21, strike "section 85-121" and insert "sections 79-2644, 85-121, and 85-964".

4. Renumber the remaining sections accordingly.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 294 in the Journal. No objections. So ordered.

AM2813

1. Strike the original sections, the Standing Committee amendments, and the E & R amendments and

insert the following new sections:

"Sec. 2. That section 77-2734.05, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2734.05. (1) Except as provided in subsection (1) of section 77-4105, unitary business having income from business activity that is taxable both within and without this state shall, for taxable years beginning or deemed to begin ~~before~~ on or after January 1, ~~1988~~ 1989, determine its taxable income by multiplying its federal taxable income, as adjusted, by a fraction, the numerator of which is the property factor added to the payroll factor added to two times the sales factor and the denominator of which is four. ~~which is the average of the property factor plus the payroll factor plus the sales factor. For taxable years beginning or deemed to begin on or after January 1, 1988, the weight given to the property and payroll factors in the average shall be reduced and the fraction shall be determined as provided in section 77-2734.16. For taxable years beginning or deemed to begin on or after January 1, 1992, federal taxable income, as adjusted, shall be multiplied by the sales factor only.~~

(2) If a unitary business does not have any property, payroll, or sales anywhere, then the average in subsection (1) of this section shall be the average of the remaining factors.

(3) In the computation of the factors only the part of a unitary group that is subject to the Internal Revenue Code shall be included, except as provided in section 77-2734.09.

Sec. 3. This act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1988.

Sec. 4. That original sections 77-2716.01 and 77-2734.05, Revised Statutes Supplement, 1987, and also section 77-2734.16, Revised Statutes Supplement, 1987, are repealed.".

2. In AM2542, adopted March 18, 1988, strike amendments 2 and 3.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 672, 934, and 1126.

Correctly Engrossed

The following bills were correctly engrossed: 1091 and 1091A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 672
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0293

1. In the Chambers amendment, AM2304, adopted March 25, 1988:

a. On page 1, line 17, "for parole" has been inserted after "eligibility";

b. On page 3, line 5, the comma has been struck and shown as stricken; and in line 18 "herein" has been struck and shown as stricken; and

c. On page 7, line 14, the second "or" has been struck and an underscored comma inserted; and in line 16 "by" has been struck and shown as stricken.

2. On page 1, line 2, "83-1,110 and 83-1,112," has been struck and "83-1,111, 83-1,112, 83-1,114, and 83-1,115," inserted; and in line 4 "and the granting of parole" has been inserted after "hearings".

3. On page 3, line 11, the first "or" has been struck and an underscored comma inserted; and in line 12 an underscored comma has been inserted after "counsel".

Enrollment and Review Change to LB 934

The following changes, required to be reported for publication in the Journal, have been made:
ER0291

1. In the Withem, et al. amendment, AM2334, adopted March 25, 1988:

a. On page 5, line 6, "regulations" has been struck, shown as stricken, and "regulation" inserted; and in line 15 "jurisdiction" has been struck and "and subdivision regulation" inserted; and

b. On page 6, line 10, an underscored comma has been inserted after "office"; and in line 18 "shall establish" has been struck, shown as stricken, and "establishes" inserted.

2. On page 1, line 1, after the semicolon "to amend sections 16-230, 16-231, 16-246, 16-901, and 18-1303, Reissue Revised Statutes of Nebraska, 1943;" has been inserted; and in line 3 "; to extend the jurisdiction of cities of the first class as prescribed; to change a provision relating to membership on planning commissions; to harmonize provisions; and to repeal the original sections" has been inserted after "prescribed".

Enrollment and Review Change to LB 1091

The following changes, required to be reported for publication in the Journal, have been made:
ER0292

1. In the Warner amendment, AM2728, adopted March 25, 1988:

a. On page 3, line 1, "from" has been struck and "after" inserted;

b. On page 4, line 6, "both types of" has been struck; and in line 7 "and car company" has been inserted after "railroad" and "1987-88" has been struck and "1987" inserted; and

c. On page 5, lines 4 to 5; and page 6, lines 16 to 17, "Revised Statutes Supplement, 1987" has been struck and "Reissue Revised Statutes of Nebraska, 1943" inserted.

2. In the E & R amendment, AM5416, adopted March 25, 1988, on page 1, line 13, "Revised Statutes Supplement, 1987" has been struck and "Reissue Revised Statutes of Nebraska, 1943" inserted; in line 14 "funds" has been struck and "a fund" inserted; and in line 15 "funds" has been struck and "fund" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were 40 Sophomore Pilgrimage students from across the state; Ron Elznic from Geneva; 12 students and teacher from Southeast Community College, Lincoln; Senator Rogers' daughter, Mrs. Roxann Meyer, and granddaughter, Michelle; 10 juniors, seniors, teacher, and sponsors from Shelton; 7 third through eighth grade students and teacher from 8 Mile Grove, Plattsmouth; 40 students and teacher from Clarks High School; Paul Jokela and Leticia Barajas from Omaha; Mr. Nuhu, Honorable

Commissioner of Nigeria and escort, Mr. Noland from Washington, D.C.; and 17 students and teacher from Elmwood High School.

RECESS

At 12:07 p.m., on a motion by Mr. Barrett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Mr. Chizek who was excused; and Messrs. Abboud, Bernard-Stevens, R. Johnson, McFarland, Mesdames Higgins, and Labedz who were excused until they arrive.

PRESIDENT NICHOL PRESIDING

SELECT FILE

LEGISLATIVE BILL 913. E & R amendments, AM5392, found in the Journal on page 1315 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 942. E & R amendments, AM5393, found in the Journal on page 1316 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1079. E & R amendment, AM5402, found in the Journal on page 1379 for the Forty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1079A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 463. E & R amendments, AM5403, found in the Journal on page 1385 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

MESSAGES FROM THE GOVERNOR

March 23, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Safety Center Advisory Council, requiring legislative confirmation.

Appointee: David A. Stubbs, 111 West 31st St., Kearney, NE 68847, work: 308-234-1655.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

March 28, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Parole Board, requiring legislative confirmation.

Appointee: Leland A. Oberg, 3920 South 80th, Lincoln, NE 68506, work: 472-1201.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

March 28, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Foster Care Review Board, requiring legislative confirmation.

Appointee: Kathy Gappa, 4 Parklane Place, Kearney, NE 68847, home: 402-237-9357.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Coordsen asked unanimous consent to have his name added as co-introducer to LB 632. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 926. Title read. Considered.

Standing Committee amendment, AM2281, found in the Journal on page 1121 for the Thirty-Seventh Day was considered.

Mr. Landis offered the following amendment to the Standing Committee amendment:
AM2787

(Amendments to Standing Committee amendments, AM2281)

1. On page 1, line 14, after "No" insert "Class IV or V".

2. On page 2, line 2, after the period insert "No Class I, II, III, or VI school district shall directly or indirectly issue bonds to fund any such lease-purchase plan for a capital construction project exceeding twenty-five thousand dollars in costs unless it first obtains a favorable vote of the electorate pursuant to Chapter 10, article 7.".

Mr. Landis moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Ashford	Johanns	Lynch	Nelson	Warner
Baack	Johnson, R.	Marsh	Remmers	Wesely
Goodrich	Landis	Morehead	Scofield	

Voting in the negative, 20:

Barrett	Coordsen	Hall	Langford	Schellpeper
Bernard-Stevens	Dierks	Hefner	Peterson	Smith
Beyer	Elmer	Johnson, L.	Pirsch	Wehrbein
Conway	Haberman	Lamb	Rogers	Withem

Present and not voting, 11:

Campbell	Hartnett	Korshoj	Miller	Schmit
Chambers	Higgins	Labedz	Moore	Weihing
Hannibal				

Absent and not voting, 1:

Johnson, V.

Excused and not voting, 3:

Abboud	Chizek	McFarland

The Landis amendment lost with 14 ayes, 20 nays, 11 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment was adopted with 25 ayes, 9 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Rogers moved to indefinitely postpone LB 926.

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. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Landis requested a roll call vote on the Rogers motion to indefinitely postpone.

Voting in the affirmative, 24:

Baack	Chambers	Hannibal	Lamb	Peterson
Barrett	Conway	Hefner	Langford	Rogers
Bernard-Stevens	Coordsen	Higgins	Miller	Schellpeper
Beyer	Dierks	Johnson, L.	Morehead	Scofield
	Haberman	Korshoj	Nelson	Weihing

Voting in the negative, 17:

Ashford	Johanns	McFarland	Remmers	Warner
Goodrich	Johnson, R.	Moore	Schmit	Wesely
Hall	Landis	Pirsch	Smith	Withem
Hartnett	Marsh			

Present and not voting, 3:

Campbell	Elmer	Wehrbein

Absent and not voting, 2:

Johnson, V. Labedz

Excused and not voting, 3:

Abboud Chizek Lynch

The Rogers motion to indefinitely postpone prevailed with 24 ayes, 17 nays, 3 present and not voting, 2 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

J. Alan Cramer - Game and Parks Commission

VOTE: Aye: Senators Schmit, Elmer, Rod Johnson, Hall, Johanns, Labedz, Lamb, and Weihing.

Vernon H. Pearson - Environmental Control Council

VOTE: Aye: Senators Schmit, Elmer, Rod Johnson, Hall, Johanns, Labedz, Lamb, and Weihing.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Morehead asked unanimous consent to print the following amendment to LB 1089 in the Journal. No objections. So ordered.

AM2796

1. Insert the following new sections:

"Sec. 12. That section 53-164.01, Revised Statutes Supplement, 1986, be amended to read as follows:

53-164.01. Payment of the tax provided for in section 53-160 on alcoholic liquors shall be paid by the

manufacturer or distributor as ~~herein~~ provided in this section. All such manufacturers or distributors, except for farm winery producers, whether within or without this state, shall, on or before the twenty-fifth day of each calendar month commencing on the twenty-fifth day of the calendar month following the month in which the shipments are made, make a report under oath to the ~~Nebraska Liquor Control Commission~~ commission upon forms to be furnished by the commission for the purpose of showing the exact total amount in gallons of alcoholic liquors, or fractional parts thereof, shipped by such manufacturer or distributor, whether within or without the State of Nebraska, during the preceding calendar month. All beer distributors shall, on or before the twenty-fifth day of each calendar month following the month in which the shipments are made, make a report under oath to the commission upon forms furnished by the commission for the purpose of showing the exact total amount in gallons of beer, or fractional parts thereof, shipped by all manufacturers, whether within or without the State of Nebraska, during the preceding calendar month to such distributor. Farm winery producers shall, on or before the twenty-fifth day of each calendar month commencing on the twenty-fifth day of the calendar month following the month in which the wine is packaged or bottled for sale, make a report under oath to the ~~Nebraska Liquor Control Commission~~ commission upon forms furnished by the commission for the purpose of showing the exact total amount in gallons of wine, or fractional parts thereof, packaged or bottled by such producer during the preceding calendar month. Such report shall also contain a statement of the exact total amount in gallons, or fractional parts thereof, of alcoholic liquors, except beer, shipped to holders of retailers' licenses within this state. All reports submitted by each manufacturer, distributor, or farm winery producer, as required by this section, shall contain such other information as the commission may require. The ~~manufacturer,~~ distributor, or farm winery producer shall, at the time of the filing of the report, pay to the commission the amount of the tax due ~~on beer shipped to distributors within this state and~~ on alcoholic liquors, except beer, shipped to holders of retailers' licenses within this state at the rate fixed in

accordance with section 53-160. The tax due on beer shall be paid by the distributor on beer shipped from all manufacturers. Such tax shall be due on the date the report is due, less a discount of one percent of such tax on alcoholic liquors. ~~as defined by subdivision (6) of section 53-103.~~ Such discount shall be deducted from the payment of such tax before remittance ~~thereof~~ of the tax to the commission, shall be shown in such report to the commission as required in this section, and shall be a commission for the making of such report and for the timely payment of such tax, but if such tax is not paid within the time provided ~~herein~~ in this section, then such discount shall not be allowed and the ~~same~~ discount shall not be deducted from the payment of such tax.

A penalty of ten percent of the amount of the tax shall be collected by the commission if the report is not filed by the twenty-fifth day of the calendar month or if the tax is not paid to the commission by the twenty-fifth day of the calendar month, and in addition thereto interest on the tax shall be collected at the rate, of one percent per month, or fraction of a month, from the date the tax became due until paid.

No tax shall be levied or collected on alcoholic liquors manufactured within the State of Nebraska and shipped or transported outside the State of Nebraska for sale and consumption outside the State of Nebraska.

In order to insure the payment of all state taxes imposed by law on alcoholic liquors together with all interest and penalties thereon, all persons required to make reports and payment of such tax shall first enter into a surety bond with corporate surety, both such bond form and surety to be approved by the commission. In lieu of such corporate surety bond, there may be filed a personal bond in such form as the commission may prescribe and secured by the pledge of property having a net value over and above any encumbrance or encumbrances thereon at least double the amount of the bond required. Subject to the limitations hereinafter specified, the amount of such bond required of any taxpayer shall be fixed by the commission and may be increased or reduced by it at any time. In fixing the amount, the commission shall require a bond in a

total amount equal to the amount of the taxpayer's estimated maximum monthly excise tax, ascertained in such manner as the commission may deem proper. Nothing contained in this section shall be construed to prevent or prohibit the commission from accepting and approving bonds which run for a term longer than the license period. In any event, the amount of such bond required of any one taxpayer shall not be less than one thousand dollars. These bonds shall be filed with the commission.

No person shall order or receive alcoholic liquors in this state which have been shipped directly to him or her from outside this state by any person other than a holder of a permit for a license year issued by the commission. The commission may issue such permits to manufacturers which shall allow the permittee to ship alcoholic liquors to and only to holders of a distributor's license issued under this section. A fee of two hundred dollars shall be charged by the commission for each permit issued. The application for such permit and the permit shall be in such form as the commission shall prescribe. The application shall contain all such provisions as the commission shall deem proper and necessary to effectuate the purpose of any section of the Nebraska Liquor Control Act and the rules and regulations of the commission that apply to manufacturers and shall include, but without limitation by reason of this special mention, a provision that the permittee, in consideration of the issuance of a permit, agrees:

(1) To comply with and be bound by this section in the making and filing of a bond, the making and filing of returns, the payment of taxes, penalties, and interest, and the keeping of records;

(2) That he or she will permit and be subject to all of the powers granted by this section to the commission or its duly authorized employees or agents for inspection and examination of his or her premises and records and will pay his or her actual expenses, excluding salary, reasonably attributable to such inspections and examinations made by duly authorized employees of the commission, if within the United States; and

(3) That if any such permittee violates any of

the provisions of his or her application, ~~or of~~ any section of the Nebraska Liquor Control Act, or the rules and regulations of the commission that apply to manufacturers, the commission may revoke or suspend such permit for such period of time as it may determine.

When a manufacturer or distributor shall sell and deliver alcoholic liquor upon which the tax has been paid to any instrumentality of the armed forces of the United States engaged in resale activities as provided in section 53-160.01, the manufacturer or distributor shall be entitled to a credit in the amount of the tax paid upon such alcoholic liquor sold and delivered to such person or persons in the event no tax is due on such alcoholic liquor as provided in section 53-160.01, and the amount of the credit, if any, shall be deducted from the tax due on the following monthly report, as provided by this section to be filed, or shall be allowed as a credit on subsequent reports until liquidated.

Sec. 16. Sections 12 and 17 of this act shall become operative on September 1, 1988. The remaining sections of this act shall become operative on their effective date.

Sec. 17. That original section 53-164.01, Revised Statutes Supplement, 1986, is repealed.".

2. Renumber remaining sections accordingly.

Messrs. Hartnett, Beyer, and Withem asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM2815

1. On page 7, after line 1 insert:

"For purposes of this subsection, plat and replat shall apply only to (a) vacant land, (b) land under cultivation, or (c) any plat or replat of land involving a substantive change in the size or configuration of any lot or lots.".

2. Strike committee amendment 3.

3. 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.".

GENERAL FILE

LEGISLATIVE BILL 1042. Title read. Considered.

Mr. Elmer renewed his pending amendment found in the Journal on page 1273.

The Elmer amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Wehrbein renewed his pending amendment found in the Journal on page 1473.

The Wehrbein amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Moore renewed his pending amendment, AM2808, found in this day's Journal on page 1805.

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. Moore withdrew his pending amendment.

Mr. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 8 ayes, 19 nays, and 22 not voting.

SPEAKER BARRETT PRESIDING

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.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Ashford	Beyer	Dierks	Hefner	Labedz
Barrett	Campbell	Elmer	Johanns	Lamb
Bernard-Stevens	Chambers	Goodrich	Johnson, R.	Langford
	Coordsen	Haberman	Korshoj	McFarland

Miller	Peterson	Rogers	Scofield	Weihing
Nelson	Remmers	Schellpeper	Wehrbein	

Voting in the negative, 13:

Baack	Hannibal	Moore	Smith	Wesely
Conway	Johnson, L.	Morehead	Warner	Withem
Hall	Landis	Pirsch		

Present and not voting, 5:

Hartnett	Higgins	Johnson, V.	Marsh	Schmit

Excused and not voting, 3:

Abboud	Chizek	Lynch

Advanced to E & R for Review with 28 ayes, 13 nays, 5 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Lamb and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 28, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 337A, 826, 838, and 838A were received in my office on March 25, 1988.

These bills were signed by me on March 28, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 295 in the Journal. No objections. So ordered.

AM2820

(Amendments to AM2336)

1. On page 44, line 10, strike "shall not" and insert "may"; and in line 12 after "organization" insert ", but the burden of proof shall be on the licensed organization to demonstrate that such commingled funds are not used to make any payments associated with the conduct of bingo and are used for a lawful purpose as defined in section 9-211".

GENERAL FILE

LEGISLATIVE BILL 866. Title read. Considered.

Standing Committee amendment, AM2508, found in the Journal on page 1331 for the Forty-Second Day was considered.

Mr. Goodrich offered the following amendment to the Standing Committee amendment:

AM2800

(Amendments to Standing Committee amendments)

1. 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 1, 1986, in any state-supported university, college, or technical community college shall be entitled to a credit of seventy-five percent of the resident tuition charges of such school. Such entitlement shall be for a period of ten years from the date of the member's initial membership 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 ~~twelve hundred members~~ the number specified in section 85-505.01 during any fiscal 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, and the Nebraska National Guard shall apply those program qualifications and limitations consistent with efficient and effective program management as determined by the Adjutant General.

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 3, line 20, strike "section" and insert "sections 85-505 and"; and in line 21 strike "is" and insert "are".

3. Renumber remaining sections accordingly

The Goodrich amendment was adopted with 20 ayes, 0 nays, 23 present and not voting, and 6 excused and not voting.

Mr. Haberman moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Goodrich requested a roll call vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 25:

Ashford	Campbell	Haberman	Marsh	Schellpeper
Baack	Conway	Hall	McFarland	Schmit
Barrett	Coordsen	Johanns	Morehead	Weihing
Bernard-Stevens	Elmer	Labedz	Nelson	Wesely
Beyer	Goodrich	Langford	Remmers	Withem

Voting in the negative, 12:

Chambers	Johnson, L.	Moore	Rogers	Warner
Hannibal	Lamb	Peterson	Scofield	Wehrbein
Hefner	Landis			

Present and not voting, 6:

Hartnett	Johnson, R.	Korshoj	Miller	Pirsch

Smith

Absent and not voting, 1:

Johnson, V.

Excused and not voting, 5:

Abboud Chizek Dierks Higgins Lynch

The Standing Committee amendment, as amended, was adopted with 25 ayes, 12 nays, 6 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

PRESIDENT NICHOL PRESIDING

Messrs. Barrett and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Goodrich renewed his pending amendment, AM2799, found in the Journal on page 1784.

The Goodrich amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 12 nays, 4 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 294 in the Journal. No objections. So ordered.

AM2603
(Amendments to Standing Committee amendments, AM1450)

1. Insert the following new sections:

"Section 1. That section 77-2716, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2716. (1) The following adjustments to federal adjusted gross income or, for corporations, federal taxable income shall be made for interest or

dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes;

(c) There shall be added the total dividends and other income received from a regulated investment company to the extent excluded for federal income tax purposes, except that when a regulated investment company has reported to the recipient that as of the end of each quarter of the tax year of the company at least eighty percent of its total assets were (i) obligations described in subdivision (a) of this subsection, the total dividends and other income may be excluded or (ii) obligations described in subdivision (b) of this subsection and obligations issued under the laws of Nebraska that are exempt for federal income tax purposes, the dividends and other income may be excluded to the extent they are attributable to obligations issued under the laws of Nebraska that are exempt for federal income tax purposes; and

(d)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the investment in the regulated investment company 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.

(ii) Any amount added under this subsection shall be reduced by any expenses incurred in the production of such income to the extent disallowed in

the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual or partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal adjusted gross income for all taxable years beginning on or after January 1, 1988, the amount of any state income tax refund to the extent such refund is included in federal adjusted gross income.

(4) Federal adjusted gross income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5)(a) There shall be subtracted from federal adjusted gross income or, for corporations, federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code.

(b) Notwithstanding subdivision (a) of this subsection, the following subtractions for corporations shall be made from federal taxable income:

(i) For the 1989 tax year, there shall be subtracted from federal taxable income ninety-five percent of dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code;

(ii) For the 1990 tax year, there shall be subtracted from federal taxable income ninety percent of dividends received or deemed to be received from corporations which are not subject to the Internal

Revenue Code;

(iii) For the 1991 tax year, there shall be subtracted from federal taxable income eighty-five percent of dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code; and

(iv) For the 1992 tax year and all tax years thereafter, there shall be subtracted from federal taxable income eighty percent of dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986 that is actually taxed by a foreign country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.".

Sec. 6. That original section 77-2716, Revised Statutes Supplement, 1987, is repealed.".

2. On page 3, line 5, strike "This" and insert "Sections 2 to 5 of this"; and in line 6 after the period insert "The remaining sections of this act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1989.".

3. Renumber the remaining sections

24 accordingly.

GENERAL FILE

LEGISLATIVE BILL 1092. Title read. Considered.

Standing Committee amendment, AM2536, found in the Journal on page 1458 for the Forty-Fifth Day was considered.

Messrs. V. Johnson and Korshoj asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper renewed his pending amendment, AM2793, found in the Journal on page 1786 to the Standing Committee amendment.

Messrs. Warner, Wehrbein, and Mrs. Smith asked unanimous consent to be excused. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mrs. Johanns asked unanimous consent to be excused. No objections. So ordered.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 23 ayes, 0 nay, and 26 not voting.

Mr. Schellpeper requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Bernard-Stevens	Coordsen	Hefner	Morehead	Weihing
Chambers	Dierks	Labedz	Schellpeper	Wesely
Conway	Hannibal	McFarland	Scofield	Withem

Voting in the negative, 22:

Ashford	Hall	Lamb	Miller	Pirsch
Baack	Hartnett	Landis	Moore	Remmers
Beyer	Johnson, L.	Langford	Nelson	Rogers
Campbell	Johnson, R.	Marsh	Peterson	Schmit
Haberman	Johnson, V.			

Present and not voting, 2:

Elmer Goodrich

Excused and not voting, 10:

Abboud	Chizek	Johanns	Lynch	Warner
Barrett	Higgins	Korshoj	Smith	Wehrbein

The Schellpeper amendment lost with 15 ayes, 22 nays, 2 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Schellpeper renewed his pending amendment, AM2772, found in the Journal on page 1788 to the Standing Committee amendments.

Pending.

UNANIMOUS CONSENT - Expedite LB 1042

Mr. Elmer asked unanimous consent to expedite LB 1042. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Morehead asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2801

(Amendments to AM5425)

1. On page 55, line 2, strike "four" and insert "three"; in line 7 strike "thirty-two" and insert "twenty-five"; and in line 21 strike "sixty-eight" and insert "seventy".

2. On page 56, line 2, strike "thirty-two" and insert "twenty-five"; and in line 13 strike "four" and insert "three".

Mrs. Morehead asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2816

(Amendments to AM5425)

1. Insert the following new section:

"Sec. 2. On or before January 1, 1991, there shall be established a commission to be known as the Gaming Commission. The purpose of the commission shall be to regulate all gambling activity authorized by the laws of the State of Nebraska.".

2. On page 2, lines 21 to 23, strike the new matter and insert "and sections 8 to 10, 13, 15, 17, 19, 26 to 29, 31, 37 to 39, 43, 46, 49, and 51 of this act".

3. On page 4, line 12, strike the new matter and insert "sections 8 to 10, 13, 15, and 17 of this act".

4. On page 31, line 13, strike "30" and insert "31".

5. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 419A in the Journal. No objections. So ordered.

AM2697

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $93,648 from the General Fund and $103,323 from Federal Funds for the period July 1, 1988, to June 30, 1989, and (2) $116,191 from the General Fund and $129,064 from Federal Funds for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 419, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $145,739 for the period July 1, 1988, to June 30, 1989, nor $190,517 for the period July 1, 1989, to June 30, 1990.

Sec. 2. There is hereby appropriated (1) $856,645 from the General Fund and $899,407 from Federal Funds for the period July 1, 1988, to June 30, 1989, and (2) $1,465,937 from the General Fund and $1,754,897 from Federal Funds for the period July 1, 1989, to June 30,

1990, to the Department of Social Services, for Program 348, to aid in carrying out the provisions of Legislative Bill 419, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 1072 in the Journal. No objections. So ordered.

AM2239

1. Insert the following new section:

"Section 1. That section 50-702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

50-702. The Performance Review and Audit Committee shall have the following duties and responsibilities:

(1) To meet periodically with the Auditor of Public Accounts to review the audits performed by the audit staff~~,~~ and to meet once each calendar quarter of the year to receive a report from the Legislative Fiscal Analyst on all performance reviews in progress or completed since the last report;

(2) To review special requests from legislative members for special reviews and, if approved, communicate such requests to the Legislative Fiscal Analyst;

(3) To determine the means by which performance review methods can be improved so as to better provide the type of information needed by the Legislature;

(4) To continually review the workload of the legislative fiscal staff and report to the Legislature the requirements for maintaining a current performance review capability;

(5) To insure that proper dissemination of performance review findings is made to the members of the Legislature; ~~and~~

(6) To assume or initiate whatever actions are necessary to insure that recommendations for improvement are effectively carried out by the responsible agencies of state government; and

(7) To adopt and promulgate rules and regulations to carry out the purposes of and its responsibilities under the Employment and Investment Growth Act.".

2. On page 2, line 5, strike "4" and insert "5".

3. On page 3, lines 1 through 4, 7, 17, and 21, strike the new matter and reinstate the stricken matter; and in line 24 strike "(10)" and insert "(9)".

4. On page 4, strike beginning with "at" in line 3 through "project" in line 4; in line 5 strike "(11)" and insert "(10)"; in line 8 strike "Legislative Fiscal Analyst" and insert "Performance Review and Audit Committee"; in line 10 strike "(12)" and insert "(11)"; and in line 18 strike "(13)" and insert "(12)".

5. On page 5, line 15, strike "(13)" and insert "(12)"; and in line 16 strike "(14)" and insert "(13)".

6. On page 6, line 1, strike "(15)" and insert "(14)"; in line 4 strike "Legislative Fiscal Analyst" and insert "Performance Review and Audit Committee"; in line 8 strike "(16)" and insert "(15)"; and in line 17 strike "(17)" and insert "(16)".

7. On page 8, line 5, strike "4" and insert "5"; and strike the new matter in lines 17 through 21.

8. On page 10, line 22, strike "develop a process" and insert "implement a process established by the Performance Review and Audit Committee"; in line 23 after "project" insert an underscored comma and after "which" insert "process"; and in line 25 strike "ratio for" and insert "of".

9. On page 11, line 2, strike "ratio"; in line 6 after the period insert "The Legislative Fiscal Analyst shall not disclose any information pertaining to (1) a specific application or (2) any cost-effectiveness analysis to any person or entity other than to members of his or her staff whom he or she has designated for such disclosure. The Legislative Fiscal Analyst shall develop office rules to ensure the confidentiality of application information and cost-effectiveness analysis not otherwise allowed to be disclosed by the Employment and Investment Growth Act."; in lines 16 to 17 strike "develop and"; and in line 18 after "review" insert "established by the Performance Review and Audit

Committee".

10. On page 12, line 10, after "original" insert "section 50-702, Reissue Revised Statutes of Nebraska, 1943, and".

11. Renumber the remaining sections accordingly.

Mrs. Johanns asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2794

(Amendments to AM5425)

1. On page 36, line 9, after "premises" insert "or for consumption off the premises".

VISITORS

Visitors to the Chamber were 26 students from Elkhorn High School.

MOTION - Adjournment

Mr. Haberman moved to adjourn until 9:00 a.m., Tuesday, March 29, 1988.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 10 ayes, 6 nays, and 33 not voting.

Mr. Schellpeper requested a roll call vote on the Haberman motion to adjourn.

Voting in the affirmative, 28:

Ashford	Chambers	Hartnett	Langford	Remmers
Baack	Coordsen	Hefner	Marsh	Rogers
Bernard-Stevens	Elmer	Johnson, L.	McFarland	Schmit
	Haberman	Johnson, R.	Miller	Scofield
Beyer	Hall	Johnson, V.	Peterson	Withem
Campbell	Hannibal	Labedz	Pirsch	

Voting in the negative, 11:

Conway	Lamb	Moore	Nelson	Weihing
Dierks	Landis	Morehead	Schellpeper	Wesely
Goodrich				

Excused and not voting, 10:

Abboud	Chizek	Johanns	Lynch	Warner
Barrett	Higgins	Korshoj	Smith	Wehrbein

The motion to adjourn prevailed with 28 ayes, 11 nays, and 10 excused and not voting, and at 5:50 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Tuesday, March 29, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - MARCH 29, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 29, 1988

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Jane Elefson, First Plymouth Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek, Miller, and Mrs. Langford who were excused; and Messrs. Chambers and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Third Day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 419 and LR 420.

WITHDRAW - Amendment to LB 684

Mr. Warner withdrew his pending amendment, AM2724, found in the Journal on page 1668 to LB 684.

MOTION - Suspend Rules

Mr. Warner moved to suspend Rule 7 Section 3(d) to permit consideration of AM2782 to LB 684.

The Warner motion to suspend the rules prevailed with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

MOTION - Return LB 684 to Select File

Messrs. Warner, Wesely, and Ashford moved to return LB 684 to Select File for their specific amendment, AM2782, found in the Journal on page 1770.

The Warner-Wesely-Ashford motion to return prevailed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 684. The Warner-Wesely-Ashford specific amendment, AM2782, found in the Journal on page 1770 was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 301 to Select File

Mr. Conway moved to return LB 301 to Select File for his specific amendment, AM2574, found in the Journal on page 1410.

The Conway motion to return prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 301. The Conway specific amendment, AM2574, found in the Journal on page 1410 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.

WITHDRAW - Amendments to LB 352

Messrs. Weihing and Hefner withdrew their pending amendment, AM1865, found in the Journal on page 873 to LB 352.

Messrs. Landis, Ashford, and Abboud withdrew their pending amendment, AM2564, found in the Journal on page 1477 to LB 352.

MOTION - Return LB 352 to Select File

Messrs. Landis and Wesely moved to return LB 352 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2825.)

The Landis-Wesely motion to return prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 352. The Landis-Wesely specific amendment, AM2825, on file in the Clerk's Office and referred to 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 375 to Select File

Mr. Schmit moved to return LB 375 to Select File for his specific amendment, AM2750, found in the Journal on page 1698.

The Schmit motion to return prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 375. The Schmit specific amendment, AM2750, found in the Journal on page 1698 was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 375 to Select File

Mr. Wesely moved to return LB 375 to Select File for his specific amendment, AM2743, printed separate from the Journal and referred to on page 1722.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 12 nays, and 11 not voting.

Mr. Wesely requested a record vote on his motion to return.

Voting in the affirmative, 13:

Dierks	Korshoj	Morehead	Scofield	Wesely
Hannibal	McFarland	Pirsch	Smith	Withem
Johnson, R.	Moore	Rogers		

Voting in the negative, 21:

Abboud	Beyer	Hall	Labedz	Schellpeper
Ashford	Campbell	Higgins	Marsh	Schmit
Baack	Conway	Johanns	Peterson	Wehrbein
Bernard-Stevens	Elmer Haberman	Johnson, L.	Remmers	Weihing

Present and not voting, 12:

Barrett	Goodrich	Johnson, V.	Landis	Nelson
Chambers	Hartnett	Lamb	Lynch	Warner
Coordsen	Hefner			

Excused and not voting, 3:

Chizek	Langford	Miller

The Wesely motion to return lost with 13 ayes, 21 nays, 12 present and not voting, and 3 excused and not voting.

MOTION - Reconsider Action on LB 375

Mr. V. Johnson moved to reconsider the Wesely amendment to LB 375.

Mr. V. Johnson withdrew his motion to reconsider.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LR 265 in the Journal. No objections. So ordered.

AM2639

1. On page 1, line 2, strike the first "and" and after the last comma insert "and 10,"; and in line 10 strike the first "and" and after the last comma insert "and 10,".

2. On page 2, after line 12, insert:

"CVII-10 'The general government of the University of Nebraska shall, 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, until 1990, shall be 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.

Commencing in 1990, members of the Board of Regents shall be appointed by the Governor. The Governor shall appoint eight members to serve on the board. Such appointed members shall be selected from their respective regent districts as such districts exist at the time of their appointment. Appointments to the board shall be approved and ratified by the Legislature and the terms of such appointments shall be for six years, except that of the members initially appointed, two members shall serve for two years, three members shall serve for four years, and three members shall serve for six years, as the Governor shall determine. The nonvoting student positions shall be retained. The duties and powers of the members 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.'."; and in line 25 after "Education" insert ", and to provide for the appointment of the Board of Regents of the University of Nebraska".

3. In the Bernard-Stevens-Withem amendment adopted March 17, 1988, on page 2, line 7, strike "and".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1042. Placed on Select File as amended.
E & R amendments to LB 1042:
AM5429

1. On page 1, line 9, after the semicolon insert "to reappropriate certain funds;".

2. On page 3, line 13, before "known" insert "shall be".

LEGISLATIVE BILL 632. Placed on Select File as amended.
E & R amendments to LB 632:
AM5428

1. In the Schmit amendments, AM 2764, adopted March 25, 1988, on page 2, line 15, strike "designating" and insert "the designation of"; and in line 23 strike

"Nebraska".

2. In the Hartnett amendments, AM 2756, adopted March 25, 1988:

a. On page 6, line 5, after "issued" insert "under"; and in line 6 strike "Nebraska Highway Bond Act" and insert "act";

b. On page 7, line 23, strike "and", show as stricken, and insert an underscored comma;

c. On page 8, line 6, strike "and" and show as stricken; and in line 9 after the semicolon insert "and";

d. On page 11, line 5, strike "with", show as stricken, and insert "the";

e. On page 15, line 7, strike "for", show as stricken, and insert "from";

f. On page 16, line 4, strike "use" and insert "purpose";

g. On page 17, line 7, reinstate "the" and strike "such";

h. On page 20, line 21, after "action" insert an underscored comma;

i. On page 21, strike beginning with the second comma in line 9 through line 11, show the old matter as stricken, and insert an underscored period; and in line 18 after "problems" insert "resulting from the receipt of federal funds";

j. On page 22, line 14, strike "interest", show as stricken, and insert "interests";

k. On page 23, line 9, strike "instruction" and insert "instructions";

l. On page 24, lines 20 to 21, strike "as provided in section 39-852,", show as stricken, and insert an underscored comma;

m. On page 25, line 1, strike the comma and show as stricken; in line 3 strike the first comma and show as stricken; in line 5 strike "test", show as stricken, and insert "tests"; and in line 7 strike "cost", show as stricken, and insert "costs";

n. On page 26, line 22, strike "there"; in line 23 strike "shall be maintained" and after "adequate" insert "balance in the"; and in line 24 strike "balance" and insert "is maintained";

o. On page 27, line 7, strike "shall" and insert "will"; and

p. On page 30, line 19, after "to" insert "39-2214, 39-2216,"; and in line 20 strike ", 39-2222, 39-2223," and insert "to".

3. On page 1, line 1, strike "highway funds" and insert "highways and roads"; in line 3 strike the last comma; in line 4 strike "39-2222," and insert "to", strike "and", and after the last comma insert "and 66-476,"; in line 7 strike "a term" and insert "and redefine terms"; in line 8 after "Highway" insert "Restoration and"; and in line 14 after "from" insert "and the rate of".

4. On page 2, line 1, after the semicolon insert "to state intent; to provide powers and duties for the Department of Roads;".

LEGISLATIVE BILL 1234. Placed on Select File as amended.
E & R amendments to LB 1234:
AM5430

1. In the Standing Committee amendments, AM2286, adopted March 24, 1988:

a. On page 1, line 9, strike the comma and show as stricken;

b. On page 2, line 13, after "yearly" insert "tax";

c. On page 9, line 3, after "liability" insert "or a refund under section 77-27,186";

d. On page 11, lines 10 and 24, after "for" insert "purposes of"; and

e. On page 13, line 14, strike the second "the" and insert "such".

2. On page 1, strike beginning with "the" in line 1 through "Act" in line 2 and insert "revenue and taxation"; in line 2 after "sections" insert "77-2708,"; in line 4 after the semicolon insert "to provide for a refund of sales and use taxes as prescribed;"; and strike beginning with "a" in line 5 through the semicolon in line 12 and insert "provisions relating to the Employment and Investment Growth Act;".

3. On page 4, lines 24 and 25, strike "average" and show as stricken and after the last "of" insert "equivalent".

4. On page 5, strike beginning with the period in line 1 through "be" in line 2 and show as stricken; in lines 2 to 3 strike "equivalent employees"

and show as stricken.

5. On page 9, line 4, after "property" insert "in this state"; and in line 6 strike ", in this state".

6. On page 11, line 14, strike "such business had been" and insert "which was"; and in line 24 strike "and such business had been" and insert ", which business was".

(Signed) Scott Moore, Chairperson

MOTION - Place LB 1072 on General File

Mr. Wesely renewed his pending motion found in the Journal on page 1429 that LB 1072 be placed on General File pursuant to Rule 3, Section 19(b).

Messrs. Dierks and R. Johnson 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 prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Korshoj moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Wesely requested a record vote on his motion to place on General File.

Voting in the affirmative, 23:

Baack	Dierks	Landis	Pirsch	Smith
Bernard-Stevens	Haberman	McFarland	Rogers	Warner
Chambers	Hall	Moore	Schellpeper	Wesely
Coordsen	Higgins	Morehead	Schmit	Withem
	Korshoj	Nelson	Scofield	

Voting in the negative, 22:

Abboud	Conway	Hefner	Labedz	Peterson
Ashford	Elmer	Johanns	Lamb	Remmers
Barrett	Goodrich	Johnson, L.	Lynch	Wehrbein
Beyer	Hannibal	Johnson, V.	Marsh	Weihing
Campbell	Hartnett			

Excused and not voting, 4:

Chizek Johnson, R. Langford Miller

The Wesely motion to place on General File lost with 23 ayes, 22 nays, and 4 excused and not voting.

LB 1072 stands indefinitely postponed.

The Chair declared the call raised.

Mrs. Labedz and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

MR. LAMB PRESIDING

GENERAL FILE

LEGISLATIVE BILL 716. Considered.

Standing Committee amendments, AM1372, found in the Journal on page 2338 for the Eighty-Third Day, First Session, 1987, and considered on page 2416, 1987, lost with 3 ayes, 16 nays, 24 present and not voting, and 6 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall renewed his pending amendment, AM2390, printed separate from the Journal and referred to on page 1248.

Mr. Hall withdrew his pending amendment, AM2575, found in the Journal on page 1395.

Messrs. Barrett and Hall renewed their pending amendment, AM2590, found in the Journal on page 1759 to the pending Hall amendment, AM2390.

The Barrett-Hall amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mesdames Marsh and Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hartnett 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 Hall amendment, as amended, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Chambers withdrew his pending motion found in the Journal on page 2351, First Session, 1987, to indefinitely postpone LB 716.

Mr. Barrett withdrew his pending amendment, AM1433, found in the Journal on page 2406, First Session, 1987.

SPEAKER BARRETT PRESIDING

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 716A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 866. Placed on Select File as amended.
E & R amendment to LB 866:
AM5431

1. On page 1, strike beginning with "State" in line 1 through line 3 and insert "Natural Guard; to amend sections 85-505 and 85-505.01, Reissue Revised Statutes of Nebraska, 1943; to change the number of persons eligible for the tuition assistance program as prescribed; to harmonize provisions; to appropriate funds; to repeal the original sections; and to declare an emergency.".

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 1157 and 1170.

Correctly Engrossed

The following bills were correctly engrossed: 463, 913, 942, 1079, and 1079A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 1170
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0294

1. In the Wesely-Morehead amendment, AM2803, adopted March 28, 1988:

a. On page 2, line 2, "funds" has been struck and "accounts" inserted; and

b. On page 4, lines 3 and 19, the comma has been struck.

2. On page 19, line 12, "pursuant to section 79-1531" has been inserted before "from"; in line 15 an underscored period has been inserted after "system"; and in line 16 "pursuant to section 79-1531." has been struck and shown as stricken.

3. On page 28, line 3, after "Account" an underscored period has been inserted; and in lines 3 to 4 "of the retirement system." has been struck and shown as stricken.

(Signed) Mary E. Sommermeyer
E & R Attorney

NOTICE OF COMMITTEE HEARING
Education

Governor Appointment Thursday, April 7, 1988 1:15 p.m.
David A. Stubbs - Nebraska Safety Center Advisory Council

(Signed) Ron Withem, Chairperson

MOTION - Place LB 380 on General File

Mr. Schmit moved to place LB 380 on General File pursuant to Rule 3, Section 19(b).

Laid over.

VISITORS

Visitors to the Chamber were 45 fourth grade students and teacher from West Point Public School; 50 students and teachers from St. Bernard's School, Omaha; 30 fourth grade students and teachers from Wildwood School, Ralston; 19 fifth through eighth grade students, teacher, and sponsors from St. Paul's Lutheran School, Utica; 8 seventh and eighth grade students and teacher from Cedar Canyon School, Gering; and 40 members of the Nebraska Council of Catholic Women from across the state.

RECESS

At 12:02 p.m., on a motion by Mr. Dierks, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Chizek who was excused; and Mesdames Johanns, Langford, Messrs. R. Johnson, Lynch, Miller, and Schmit who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 294. The pending V. Johnson amendment, AM2546, found in the Journal on page 1373 and considered on pages 1803 and 1804, was renewed.

Mr. Baack offered the following amendment to the pending V. Johnson amendment:
AM2834

(Amendments to AM2546)

1. On page 6, after line 9 insert:

"Sec. 2. That section 77-2602.03, Revised

Statutes Supplement, 1987, be amended to read as follows:

77-2602.03. The increase in the tax shall apply to all unused stamps, meter impressions, and packages of stamped cigarettes owned by cigarette wholesalers at 12:01 a.m. on the day the increase becomes operative. On the date any change in the tax takes effect, each cigarette wholesaler shall take an inventory of all unused stamps, meter impressions, and packages of stamped cigarettes owned by the cigarette wholesaler at 12:01 a.m. The additional tax shall be remitted with the return for the last month preceding the date any change in the tax takes effect. ~~The Department of Revenue shall credit to each wholesaler an amount equal to the additional tax on two weeks of such wholesaler's average purchases of tax stamps.~~

Sec. 3. That section 77-2608, Revised Statutes Supplement, 1987, 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 when 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 or her bondsman 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 rule and 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 three ~~and four-tenths~~ percent of such face value of the tax as a commission for affixing and

canceling such stamps. 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 the 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 impressions, warehouse and distribute such cigarettes, and collect such revenue at a cost less than the three ~~and four-tenths~~ percent 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."; in line 10 strike "5" and insert "8" and strike "section 77-2602" and insert "sections 77-2602, 77-2602.03, and 77-2608"; in line 11 strike "is" and insert "are"; in line 12 strike "7" and insert "10"; and in line 16 strike "4, and 5" and insert "2, 3, 7, and 8".

Mr. V. 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. Baack moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Mr. Baack requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Baack	Haberman	Korshoj	Morehead	Schellpeper
Chambers	Hall	Lamb	Nelson	Smith
Coordsen	Johnson, R.	McFarland	Remmers	Wesely
Elmer				

Voting in the negative, 24:

Abboud	Bernard-Stevens	Conway	Hartnett	Johnson, L.
Ashford	Beyer	Goodrich	Hefner	Johnson, V.
Barrett		Hannibal	Higgins	Landis

Marsh	Peterson	Rogers	Warner	Weihing
Moore	Pirsch	Scofield	Wehrbein	Withem

Present and not voting, 4:

Campbell	Dierks	Labedz	Lynch

Excused and not voting, 5:

Chizek	Johanns	Langford	Miller	Schmit

The Baack amendment lost with 16 ayes, 24 nays, 4 present and not voting, and 5 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 26 ayes, 0 nays, and 23 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Ashford	Campbell	Johnson, L.	Lynch	Warner
Barrett	Elmer	Johnson, R.	Marsh	Wehrbein
Bernard-Stevens	Goodrich	Johnson, V.	Peterson	Weihing
	Hartnett	Lamb	Pirsch	Wesely
Beyer	Hefner	Landis	Rogers	Withem

Voting in the negative, 17:

Abboud	Dierks	Korshoj	Morehead	Schellpeper
Baack	Haberman	Labedz	Nelson	Scofield
Conway	Hall	McFarland	Remmers	Smith
Coordsen	Higgins			

Present and not voting, 2:

Chambers	Hannibal

Absent and not voting, 1:

Moore

Excused and not voting, 5:

Chizek	Johanns	Langford	Miller	Schmit

The V. Johnson amendment lost with 24 ayes, 17 nays, 2 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Conway renewed his pending amendment, AM2444, found in the Journal on page 1418.

Pending.

Mr. Moore moved to reconsider the adoption of the Vard Johnson amendment, AM2546.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Moore motion to reconsider prevailed with 26 ayes, 10 nays, 7 present and not voting, and 6 excused and not voting.

The V. Johnson amendment, AM2546, found in the Journal on page 1373 and considered in this day's Journal, was renewed.

Mr. Withem 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 V. Johnson amendment.

Voting in the affirmative, 26:

Ashford	Bernard-Stevens	Campbell	Hannibal	Johnson, L.
Barrett	Beyer	Elmer	Hartnett	Johnson, R.
		Goodrich	Hefner	Johnson, V.

Lamb	Marsh	Pirsch	Wehrbein	Wesely
Landis	Moore	Rogers	Weihing	Withem
Lynch	Peterson	Warner		

Voting in the negative, 17:

Abboud	Coordsen	Higgins	Morehead	Schellpeper
Baack	Dierks	Korshoj	Nelson	Scofield
Chambers	Haberman	McFarland	Remmers	Smith
Conway	Hall			

Excused and not voting, 6:

Chizek	Labedz	Langford	Miller	Schmit
Johanns				

The V. Johnson amendment was adopted with 26 ayes, 17 nays, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 987 in the Journal. No objections. So ordered.

AM2533

1. On page 4, line 10, strike "7,"; and in line 11 strike "and Chapter 54, article 2,".

2. On page 5, line 3, strike "7," and strike "or Chapter 54, article 2,"; in line 19 strike "7,"; and in line 20 strike ", or Chapter 54, article 2".

Mr. Withem asked unanimous consent to print the following amendment to LB 1116 in the Journal. No objections. So ordered.

AM2835

1. On page 6, strike beginning with "the" in line 10 through "representatives" in line 11 and insert "representatives of the following groups as appointed by the Governor"; strike beginning with "chairperson" in line 11 through the first "the" in line 12; strike lines 13 and 14 and insert "State Department of Education; (3) two"; in line 17 strike "(b)" and insert "(4)"; and in

line 21 strike "(c)" and insert "(5)".

Messrs. Ashford and Hall asked unanimous consent to print the following amendment to LB 1143 in the Journal. No objections. So ordered.

AM2832

1. Insert the following new section:

"Sec. 8. The Department of Economic Development is authorized, upon written approval of the Governor, to sell, lease, or otherwise convey the following described real estate: All of Lots 4 thru 15, Block 6, Murray's Addition to Okahoma, an addition to the City of Omaha, in Section 34, Township 15 North, Range 13 East of the 6th P.M.; Douglas County, Nebraska, together with the Easterly part of Lots 16 and 17 more particularly described as follows: Beginning at the Southeast corner of Lot 16 thence one hundred thirty-four feet to the Northeast corner of Lot 17; thence East sixty-two and eight-tenths feet; thence Southwesterly to a point thirty-eight and nine-tenths feet East of the Southwest corner of Lot 17; thence Southwesterly to a point eight and six-tenths feet East of the Southwest corner of Lot 16; thence East to the point of beginning; together with the Easterly part of Lot 19 more particularly described as follows: Beginning at the Southeast corner of said Lot 19; thence North fifty and eight-tenths feet; thence Southwesterly sixty and three-tenths feet to a point thirty-two and one-half feet West of the said Southeast corner; thence East thirty-two and one-half feet to the point of beginning. Together with the following described parts of Lots 9 thru 16 Block 5, said Murray's Addition. Beginning at the Southwest corner of Lot 9; said Block 5; thence North seventy-five feet; thence Southeasterly to a point on the East line of said Lot 9, fifty-five feet North of the Southeast corner of said Lot 9 then Southeasterly to a point on the East line of Lot 11; said Block 5 said point being twenty-seven feet North of the Southeast corner of said Lot 11, thence East to a point on the East line of Lot 12; said Block 5, said point being twenty-seven feet North of the Southeast corner of said Lot 12; thence Northeasterly to a point on the East line of Lot 13; said Block 5; said point

being forty feet North of the Southeast corner of said Lot 13; thence Northeasterly to a point on the East line of Lot 14; said Block 5; said point being sixty feet North of the Southeast corner of said Lot 14; thence Northeasterly to a point on the East line of Lot 16; said Block 5, said point being one hundred twenty-nine feet North of the Southeast corner of said Lot 16; thence South to the Southeast corner of said Lot 16; thence West to the Southwest corner of said Lot 9. Together with the streets and alleys lying between the above described lots; commonly referred to as the Nebraska Omaha Travel Information Center. If the real estate is leased, such lease may contain an option to purchase the property at a value to be determined by the department. Proceeds of the sale or lease shall be deposited in the appropriate fund and used for the purposes set forth for the fund.".

2. On page 2, line 1; page 7, line 19; and page 8, lines 7, 9, 11, 16, and 21, before "this" insert "sections 1 to 7 of".

3. On page 8, line 17, strike "This" and insert "Sections 1 to 7 of this".

SELECT FILE

LEGISLATIVE BILL 294. The pending Conway amendment, AM2444, found in the Journal on page 1418 and considered in this day's Journal, was renewed.

Mr. Hefner offered the following amendment to the Conway amendment:

Amend AM2444 on page 1 strike line 1 and insert: "1. Strike the Standing Committee Amendment adopted on February 22, 1988 and also the original sections of the bill, and insert the following:".

Mr. V. Johnson requested a ruling of the Chair on whether the Hefner amendment is germane to the Conway amendment.

The Chair ruled the Hefner amendment is not germane to the Conway amendment.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Conway amendment lost with 11 ayes, 22 nays, 11 present and not voting, and 5 excused and not voting.

Mr. McFarland offered the following amendment:
AM2596

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 77-2715.02, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2715.02. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A, B, and E shall be the same as for the federal rate schedules in effect for tax year 1987;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) The primary rate set by Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .64, ~~1.0, 1.59, 1.87, and 1.87~~ 1.09, 1.68, 1.97, and 2.13;

(e) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to tenths of one percent, except for the primary rate which shall be expressed in hundredths of one percent; and

(f) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E

Taxable income over	but not over	pay plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be seven times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemptions and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.

Sec. 2. That section 77-2716.01, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2716.01. (1) Every individual shall be allowed to subtract from federal adjusted gross income an amount for personal exemptions. For tax year 1987, the amount allowed to be subtracted shall be one thousand one hundred dollars multiplied by the number of exemptions allowed on the federal return. For tax years commencing or deemed to begin on or after January 1, 1988, the amount allowed to be subtracted shall ~~be one thousand one hundred thirty dollars~~ equal the amount of the federal exemption allowed on the federal return multiplied by the number of exemptions allowed on the federal return.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction. The amount of the standard deduction shall depend upon the filing status used on the federal return. For tax year 1987, individuals who file as single or head of household shall be allowed two thousand five hundred and thirty dollars, married filing jointly shall be allowed three thousand seven hundred

and forty dollars, and married filing separately shall be allowed one thousand eight hundred and seventy dollars. For tax years commencing or deemed to begin on or after January 1, 1988, individuals ~~who file as single or head of household shall be allowed two thousand five hundred fifty dollars, married filing jointly shall be allowed three thousand seven hundred eighty dollars, and married filing separately shall be allowed one thousand eight hundred ninety dollars~~ shall be allowed an amount equal to the federal standard deduction.

(3) Every individual who itemized on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or all of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid.

Sec. 3. That original sections 77-2715.02 and 77-2716.01, Revised Statutes Supplement, 1987, are repealed.".

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. 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.

The McFarland amendment lost with 9 ayes, 23 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Conway renewed his pending amendment, AM2603, found in the Journal on page 1826.

PRESIDENT NICHOL PRESIDING

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Conway withdrew his pending amendment.

Mr. Landis offered the following amendment:

To strike the Standing Committee Amendment as adopted on General File in AM1450.

Mr. Lamb 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. Landis moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. R. Johnson requested a record vote on the Landis amendment.

Voting in the affirmative, 25:

Bernard-Stevens	Elmer	Johanns	Marsh	Remmers
Beyer	Goodrich	Johnson, L.	Morehead	Schellpeper
Campbell	Hannibal	Landis	Nelson	Schmit
Conway	Hartnett	Langford	Peterson	Wehrbein
Coordsen	Hefner	Lynch	Pirsch	Weihing

Voting in the negative, 16:

Baack	Hall	Korshoj	Moore	Warner
Barrett	Higgins	Lamb	Scofield	Wesely
Chambers	Johnson, R.	Miller	Smith	Withem
Dierks				

Present and not voting, 4:

Ashford	Haberman	Johnson, V.	Rogers

Excused and not voting, 4:

Abboud	Chizek	Labedz	McFarland

The Landis amendment was adopted with 25 ayes, 16 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Hall offered the following Labedz amendment:

To amend the V. Johnson amendment, on page 1 line 13 strike "thirty" and insert "twenty-eight" and on line 20 strike twenty-one and insert nineteen.

Mr. Lynch 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. Hall requested a record vote on the Labedz amendment.

Voting in the affirmative, 14:

Baack	Dierks	Johnson, R.	Lynch	Smith
Conway	Hall	Korshoj	Nelson	Wesely
Coordsen	Higgins	Langford	Pirsch	

Voting in the negative, 20:

Bernard-Stevens	Elmer	Johnson, L.	Marsh	Warner
	Hannibal	Johnson, V.	Peterson	Wehrbein
Beyer	Hefner	Lamb	Remmers	Weihing
Campbell	Johanns	Landis	Rogers	Withem
Chambers				

Present and not voting, 11:

Ashford	Haberman	Miller	Morehead	Schmit
Barrett	Hartnett	Moore	Schellpeper	Scofield
Goodrich				

Excused and not voting, 4:

Abboud	Chizek	Labedz	McFarland

The Labedz amendment lost with 14 ayes, 20 nays, 11 present and not voting, and 4 excused and not voting.

Mr. V. Johnson renewed his pending amendment, AM2813, found in the Journal on page 1808.

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.

The V. Johnson amendment lost with 11 ayes, 19 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Wesely moved to reconsider the adoption of the Vard Johnson amendment (AM2546).

Mr. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb 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. Wesely moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

Mr. Wesely requested a record vote on his motion to reconsider.

Voting in the affirmative, 22:

Baack	Haberman	Langford	Morehead	Schmit
Chambers	Hall	McFarland	Nelson	Scofield
Conway	Higgins	Miller	Pirsch	Smith
Coordsen	Johnson, R.	Moore	Schellpeper	Wesely
Dierks	Korshoj			

Voting in the negative, 24:

Ashford	Campbell	Hefner	Landis	Rogers
Barrett	Elmer	Johanns	Lynch	Warner
Bernard-Stevens	Goodrich	Johnson, L.	Marsh	Wehrbein
	Hannibal	Johnson, V.	Peterson	Weihing
Beyer	Hartnett	Lamb	Remmers	Withem

Excused and not voting, 3:

Abboud	Chizek	Labedz

The Wesely motion to reconsider lost with 22 ayes, 24 nays, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Mr. V. Johnson moved to suspend the rules, Rule 6, Section 5 and Rule 7, Section 3 and vote on the advancement of LB 294 without further amendment or debate.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

The V. Johnson motion to suspend the rules prevailed with 30 ayes, 9 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment with 26 ayes, 8 nays, 10 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 823 in the Journal. No objections. So ordered.

AM2851

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. That section 75-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-109. Except as provided in sections 79-487, 86-803, and 86-808, the commission shall have the power to regulate the rates and services of and to exercise a general control over all common carriers, which term is hereby defined as all carriers, including contract carriers, engaged in the transportation of freight or passengers for hire or furnishing communication services for hire in Nebraska intrastate commerce.

Sec. 3. That section 75-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-303. ~~The provisions of sections~~ Sections 75-301 to 75-322.01 shall apply to the transportation of passengers or property by motor carriers for hire engaged in intrastate commerce except:

(1) A motor carrier for hire engaged in the transportation of school children and teachers to and from school;

(2) A motor carrier for hire operated in

connection with a part of a streetcar system;

(3) A motor carrier for hire engaged in the transportation of newspapers under a contract with the publisher or a distributor thereof if no other property or person is being transported for hire on the same load with such newspapers;

(4) The operation of any motor carrier owned in any city or village of this state engaged in the transportation of property within such city or village or within a radius of five miles beyond the corporate limits thereof;

(5) To ranch, dairy, or farm products, including livestock, being transported by motor vehicle from or to any ranch, dairy, farm, feedlot, or any market;

(6) To supplies or merchandise being transported by motor vehicle from or to any ranch, dairy, feedlot, or farm for use thereon when originating at or destined to a neighboring trading point or points;

(7) To ambulances or their owners, ~~or~~ to hearses, or to automobiles used exclusively as an incident to conducting a funeral;

(8) To motor vehicles owned and operated by any industrial, processing, or manufacturing plant when used by such plant in the transportation of raw materials and supplies to its plant or plants, or in the delivery of its products, supplies, or raw materials to purchasers thereof, when not for hire;

(9) To star route carriers employed by the post office department of the United States while operating a motor vehicle not exceeding one-half ton manufacturer's rated capacity on their regular routes;

(10) To wrecked or disabled motor vehicles being transported by winch or tow truck;

(11) To a motor carrier exempt by the provisions of subdivision (1) of this section who hauls for hire, (a) persons of a religious, fraternal, educational, or charitable organization, (b) pupils of a school to athletic events, (c) players of American Legion baseball teams when the point of origin or termination is within five miles of the domicile of the carrier, and (d) the elderly, and their spouses and dependents, as defined in section 19-3903, under a contract with a municipality or county authorized in

section 19-3908;

(12) To motor vehicles, owned and operated by farmers or ranchers, when hauling gravel or other road building material by agreement with the county board of the county in which their farms or ranches are situated for use upon the public roads within such county~~,~~ and ~~where~~ when the compensation for the use of such motor vehicles shall not exceed the reimbursement for the motor vehicle fuel used during such hauling;

(13) A motor carrier operated by a city and engaged in the transportation of passengers and such exempt operations shall be no broader than those authorized in intrastate commerce at the time the city or other political subdivision assumed ownership of the operation;

(14) Motor vehicles owned and operated by a nonprofit organization which has been exempted from the payment of federal income taxes, as provided by section 501(c)(4), Internal Revenue Code of 1954, transporting solely those persons over age sixty, those persons who are spouses and dependents of persons over age sixty, and the handicapped;

(15) A motor carrier engaged in the transportation of passengers operated by a transit authority created under and acting pursuant to the laws of the State of Nebraska;

(16) A motor carrier operated by a municipality or county as authorized in section 19-3908, in the transportation of the elderly;

(17) Motor vehicles having a seating capacity of twenty or less, which are operated by a governmental subdivision or a qualified public-purpose organization, as defined in section 19-3903, engaged in the transportation of passengers in the state; ~~and~~

(18) A motor carrier engaged in the transportation or movement of livestock and poultry feed, or livestock and poultry feed and related health products and supplements when transported in the same vehicle, between a livestock and poultry feed manufacturer and the manufacturer's dealer as long as such transportation is performed on a vehicle licensed under ~~the provisions of~~ section 60-305.09 or 60-331; and

(19) Motor carriers operated by a nonprofit organization pursuant to subsection (3) of section

79-487.".

2. On page 1, line 1, strike "section" and insert "sections 75-109, 75-303, and"; and in line 5 after the semicolon insert "to exempt such use from regulation by the Public Service Commission;".

3. On page 6, line 16, after "determines" insert "and if the central administrative office or primary attendance center of such school district lies in a county with a population of less than twenty-five thousand inhabitants as reported on the last federal decennial census."; and strike beginning with "any" in line 17 through "thereto" in line 19 and insert "ten miles of the boundary of such school district".

4. On page 7, line 5, after the period insert "The use of school buses pursuant to this subsection shall not be subject to regulation by the Public Service Commission."; and in line 6 strike "section" and insert "sections 75-109, 75-303, and".

5. Renumber the remaining sections accordingly.

Messrs. Schmit, Miller, Remmers, and R. Johnson asked unanimous consent to print the following amendment to LB 664 in the Journal. No objections. So ordered.

AM2821

(Amendments to Final Reading copy)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Farm Mediation Act.

Sec. 2. As used in the Farm Mediation Act, unless the context otherwise requires:

(1) Administrator shall mean the Department of Agriculture or any other appropriate state agency designated by the Governor;

(2) Borrower shall mean an individual, corporation, trust, cooperative, joint venture, or any other entity entitled to contract who is engaged in farming or ranching, who derives more than fifty percent of his or her gross income from farming or ranching, and who holds an agricultural loan;

(3) Creditor shall mean any individual,

organization, cooperative, partnership, trust, or state or federally chartered corporation to whom an agricultural loan is owed;

(4) Farm mediation service shall mean an entity with which the administrator contracts to conduct mediation and related services pursuant to the act;

(5) Mediation shall mean a process by which creditors and borrowers present, discuss, and explore practical and realistic alternatives to the resolution of a borrower's debts; and

(6) Mediator shall mean anyone responsible for and engaged in the performance of mediation pursuant to the act.

Sec. 3. The administrator shall serve as the farm mediation program coordinator and shall be responsible for placing into effect and implementing the Farm Mediation Act.

Sec. 4. (1) Borrowers involved in mediation under the Farm Mediation Act shall be offered assistance, at no cost to borrowers, in the analysis of their business and personal financial situation. The administrator shall contract with one or more eligible persons to provide such assistance. A person shall be eligible to contract to provide services pursuant to this subsection if he or she has staff trained and experienced in farm and ranch financial analysis, is familiar with the unique aspects of production agriculture, is able to work effectively with borrowers and creditors, and demonstrates an ability to assist each borrower in developing alternatives and to evaluate such alternatives for potential viability.

(2) The administrator shall provide any available information regarding legal assistance programs for borrowers and may contract with one or more eligible persons to provide such assistance. A person shall be eligible to contract to provide services pursuant to this subsection if such assistance is provided by attorneys who are qualified in agricultural credit problems of borrowers.

(3) The administrator shall contract with one or more eligible persons to provide farm mediation services pursuant to the Farm Mediation Act. A person shall be eligible to contract to provide farm mediation services if he or she is qualified or provides

agricultural credit mediation training of mediators to a level of expertise specified by the administrator and ensures that all mediation sessions are confidential.

(4) Any person contracting with the administrator to provide services pursuant to this section shall demonstrate an ability to perform high quality service for the least cost within the time limits established by the administrator.

(5) The contract or contracts entered into pursuant to this section may be terminated by either party upon written notice. Any person awarded a contract shall be designated as the contractor for the service area of the state set forth in such contract for the duration of the contract.

Sec. 5. After receiving a mediation request, the farm mediation service shall advise the borrower that financial and legal preparation assistance may be available. The farm mediation service shall provide any other available information regarding assistance programs to farmers.

Sec. 6. The administrator shall adopt and promulgate rules and regulations setting appropriate fee guidelines for the services provided under the Farm Mediation Act, which fees shall not exceed actual costs and shall be borne equally by all parties, and setting forth any procedures or requirements necessary to implement the act. Such rules and regulations shall provide that such fees shall be collected by the farm mediation service and retained by the farm mediation service to offset its costs and that the farm mediation service may require payment of such fees or a portion thereof prior to a mediation meeting.

Sec. 7. (1) At least thirty days prior to the initiation of a proceeding on an agricultural debt in excess of twenty thousand dollars, a creditor, except as provided in subsection (2) or (3) of this section, shall send written notice to the borrower of the availability of mediation and the address and telephone number of the farm mediation service in the service area of the borrower.

(2) Subsection (1) of this section shall not apply to creditors subject to the federal Agricultural Credit Act of 1987 if such act and the rules and regulations adopted and promulgated thereunder require

otherwise.

(3) Subsection (1) of this section shall not apply if a court of competent jurisdiction determines that the time delay required would cause the creditor to suffer irreparable harm because there are reasonable grounds to believe the borrower may dissipate or divert collateral.

Sec. 8. Any borrower or creditor may request mediation of any indebtedness incurred in relation to an agricultural loan by applying to the farm mediation service. The farm mediation service shall notify all the parties, and upon their consent, schedule a meeting with a mediator. The borrower and any creditor shall not be required to attend any mediation meetings under this section, and failure to attend any mediation meetings or to participate in mediation under this section shall not affect the rights of a borrower or creditor in any manner. Participation in mediation under this section shall not be a prerequisite or a bar to the institution of or prosecution of legal proceedings by the borrower or the creditor.

Sec. 9. Within twenty days after receiving a mediation request under section 8 of this act, the farm mediation service shall send a mediation meeting notice to all the consenting parties setting a time and place for an initial mediation meeting between the borrower, the creditor or creditors, and a mediator associated with the farm mediation service. Adequate preparation by all parties will be advised by the farm mediation service prior to the mediation meeting. An initial mediation meeting shall be held within twenty days of the issuance of the notice.

Sec. 10. The farm mediation service shall conduct and conclude a mediation meeting during the mediation period which extends for sixty days after the farm mediation service receives the mediation request. If all parties consent, mediation may continue after the end of the mediation period. If any party elects not to participate in mediation, the farm mediation service shall so notify all parties.

Sec. 11. If an agreement is reached between the borrower and the creditor or creditors, the mediator may (1) draft a written mediation agreement encompassing the agreement, (2) have it signed by the borrower and

the creditor or creditors, and (3) file the agreement with the farm mediation service. The borrower and any creditor who is a party to the mediation agreement may enforce the agreement as a legal contract.

Sec. 12. (1) At the initial mediation meeting and any subsequent meetings, the mediator associated with the farm mediation service shall:

(a) Listen to the borrower and any creditor desiring to be heard;

(b) Attempt to mediate between the borrower and the creditor or creditors;

(c) Allow for exploration of legitimate and fair interests of the borrower and creditor or creditors; and

(d) Advise the borrower and the creditor or creditors as to the existence of any available assistance programs including financial preparation and legal assistance.

(2) All data regarding the finances of borrowers and creditors which is created, collected, and maintained by the farm mediation service shall not be public records and shall be held in strict confidence by the farm mediation service and all parties to the mediation. If all parties consent to disclosure, such information may be disclosed pursuant to the terms of the consent.

(3) No mediation shall commence until the mediator shall make a statement to the effect of language contained in subsection (2) of this section. At the end of a mediation session the mediator shall obtain a signed statement by all parties to the mediation agreeing to abide by the requirements of this section.

Sec. 13. The farm mediation service shall make an extensive effort to educate borrowers and creditors on the mediation process and availability of farm mediation services.

Sec. 14. Except as otherwise provided in the Farm Mediation Act, nothing in the act shall be applicable to or shall affect any legal proceedings filed by a borrower or creditor.

Sec. 15. The farm mediation service shall maintain complete statistical records of program participation and costs and make them available upon

request.

Sec. 16. This act shall terminate on March 1, 1992, unless extended by action of the Legislature.

Sec. 17. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. On page 1, line 2, after the second semicolon insert "and"; and strike beginning with the semicolon in line 3 through "emergency" in line 4.

SPECIAL COMMITTEE REPORT
Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Harry A. Spencer - Public Employees Retirement Board

Voting Aye: Senators Haberman, Marsh, Abboud, Goodrich, Nelson. Voting Nay: None. Absent: Senator Warner.

(Signed) Rex Haberman, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 395A. Introduced by Hartnett, 45th District; Schellpeper, 18th District; Schmit, 23rd District; Miller, 37th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 395, Ninetieth Legislature, Second Session, 1988.

SELECT FILE

LEGISLATIVE BILL 972. E & R amendments, AM5346, found in the Journal on page 1041 for the Thirty-Fourth Day were adopted.

Mr. Haberman withdrew his pending amendment, AM2233, found in the Journal on page 1057.

Mr. V. Johnson renewed his pending amendment, AM2172, printed separate from the Journal and referred to on page 1047.

Mr. V. Johnson withdrew his pending amendment.

Mr. Haberman withdrew his pending amendment, AM2245, found in the Journal on page 1100.

Mr. R. Johnson withdrew his pending amendment, AM2427, printed separate from the Journal and referred to on page 1326.

Mr. Barrett offered the following amendment:

To amend LB 972 to read:

On page 1, line 7, after "year" insert "after the initial sale of the new tractor or implement".

The Barrett amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Coordsen moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 11 nays, and 21 not voting.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

Mr. Haberman moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Baack	Dierks	Haberman	Lamb	Miller
Conway	Elmer	Hefner	Langford	Morehead
Coordsen	Goodrich	Johanns	McFarland	Peterson

Remmers	Rogers	Schellpeper	Smith	Weihing

Voting in the negative, 20:

Barrett	Hall	Johnson, R.	Marsh	Warner
Bernard-Stevens	Hannibal	Johnson, V.	Moore	Wehrbein
Campbell	Hartnett	Korshoj	Nelson	Wesely
Chambers	Johnson, L.	Landis	Scofield	Withem

Present and not voting, 3:

Ashford	Beyer	Lynch

Excused and not voting, 6:

Abboud	Higgins	Labedz	Pirsch	Schmit
Chizek				

Failed to advance to E & R for Engrossment with 20 ayes, 20 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Rogers and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1073. E & R amendments, AM5369, found in the Journal on page 1193 for the Thirty-Ninth Day were adopted.

Mr. Baack withdrew his pending amendment, AM2163, found in the Journal on page 1119.

Mr. Wesely moved to suspend the rules, Rule 7, Section 3(d) to consider AM2466 to LB 1073.

Mr. Hefner 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 8 ayes, 2 nays, and 39 not voting.

Mr. Wesely requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 30:

Ashford	Dierks	Johnson, V.	Moore	Smith
Baack	Hall	Korshoj	Morehead	Warner
Barrett	Hannibal	Landis	Nelson	Wehrbein
Bernard-Stevens	Hartnett	Lynch	Remmers	Weihing
Beyer	Johnson, L.	McFarland	Schellpeper	Wesely
Conway	Johnson, R.	Miller	Scofield	Withem

Voting in the negative, 7:

Campbell	Elmer	Lamb	Langford	Peterson
Coordsen	Goodrich			

Present and not voting, 3:

Haberman	Johanns	Marsh

Excused and not voting, 9:

Abboud	Chizek	Higgins	Pirsch	Schmit
Chambers	Hefner	Labedz	Rogers	

The Wesely motion to suspend the rules prevailed with 30 ayes, 7 nays, 3 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Messrs. Moore and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely renewed the pending Wesely-Chizek amendment, AM2466, printed separate from the Journal and referred to on page 1343.

Mr. Goodrich offered the following amendment to the pending Wesely-Chizek amendment:
AM2840

(Amendments to AM2466)

1. On page 36, after line 17 insert the following new section:

"Sec. 17. The Asbestos Control Act shall not

apply to a district as defined in section 70-601 or a district subject to Chapter 14, article 11."; in line 18 strike "17" and insert "18"; and in line 19 strike "17" and insert "18".

The Goodrich amendment was adopted with 27 ayes, 8 nays, 5 present and not voting, and 9 excused and not voting.

Mr. Lynch moved to reconsider the Goodrich amendment, AM2840.

Mr. Peterson 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. Hall moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Hall requested a roll call vote on the Lynch motion to reconsider.

Voting in the affirmative, 17:

Bernard-Stevens	Hall	Johnson, V.	Miller	Scofield
Conway	Hartnett	Landis	Morehead	Wesely
Dierks	Johanns	Lynch	Nelson	Withem
	Johnson, R.	McFarland		

Voting in the negative, 20:

Baack	Elmer	Hefner	Marsh	Smith
Beyer	Goodrich	Johnson, L.	Peterson	Warner
Campbell	Haberman	Lamb	Remmers	Wehrbein
Coordsen	Hannibal	Langford	Rogers	Weihing

Present and not voting, 4:

Ashford	Barrett	Korshoj	Schellpeper

Excused and not voting, 8:

Abboud	Chizek	Labedz	Pirsch	Schmit
Chambers	Higgins	Moore		

The Lynch motion to reconsider lost with 17 ayes, 20 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

The Wesely-Chizek amendment, as amended, was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Messrs. Warner and Hartnett asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

AM2847

(Amendments to AM2756)

1. On page 27, strike beginning with "At" in line 5 through the period in line 13 and insert "At such meeting the State Board of Equalization and Assessment shall set the rate of the excise tax imposed by sections 66-473 and 66-605.02 for each year during which such bonds shall be outstanding to provide in each such year money equal in amount to not less than one hundred twenty-five percent of such year's bond principal and interest payment requirements. Such rate shall be in addition to the rate of excise tax set pursuant to subsection (2) of this section."; and in line 19 after "Such" insert "excise tax rates set pursuant to this subsection may be increased but such".

2. On page 28, line 18, after the second "to" insert "and independent of".

3. Insert the following new section:

"Sec. 22. That section 66-605.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-605.02. (1) Each special fuel dealer as defined in subdivision (6) of section 66-602 shall, in addition to all other taxes provided by law, pay an excise tax at a rate, set pursuant to section 66-476, for special fuels as defined in Chapter 66, article 6, and subject to taxation under section 66-605. All sums of money received under this section shall be credited to the Highway Trust Fund for allocation to the Highway ~~Cash~~ Restoration and Improvement Bond Fund, except that

the State Treasurer shall first transfer such amounts to the Tax Refund Fund as the Tax Commissioner shall determine to be equal to the credits and refunds of such tax allowed to special fuel dealers.

(2) Special fuel dealers subject to taxation under subsection (1) of this section shall pay such excise tax and make a report concerning the tax in like manner, form, and time and be allowed the same exemptions, deductions, and rights of reimbursement as are authorized dealers for taxes paid pursuant to Chapter 66, article 6.".

4. On page 30, line 21, strike "and" and after the last comma insert "and 66-605.02,".

5. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 987. E & R amendments, AM5386, found in the Journal on page 1208 for the Thirty-Ninth Day were adopted.

Mr. Remmers renewed his pending amendment, AM2534, found in the Journal on page 1349.

The Remmers amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Dierks withdrew his pending amendments, AM2216, found in the Journal on page 1308, and AM2533, found in the Journal on page 1854.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 987A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 890. Mrs. Nelson withdrew her pending amendment, AM2070, found in the Journal on page 892.

Mr. Withem and Mrs. Nelson renewed their pending amendment, AM2454, found in the Journal on page 1294.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mrs. Nelson moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mrs. Nelson requested a roll call vote on the Withem-Nelson amendment.

Voting in the affirmative, 25:

Ashford	Goodrich	Johnson, R.	Marsh	Smith
Barrett	Hall	Johnson, V.	McFarland	Wehrbein
Bernard-Stevens	Hartnett	Korshoj	Nelson	Weihing
Coordsen	Hefner	Landis	Remmers	Wesely
Dierks	Johanns	Lynch	Schellpeper	Withem

Voting in the negative, 8:

Baack	Johnson, L.	Langford	Scofield	Warner
Conway	Lamb	Morehead		

Present and not voting, 7:

Beyer	Elmer	Miller	Peterson	Rogers
Campbell	Hannibal			

Excused and not voting, 9:

Abboud	Chizek	Higgins	Moore	Schmit
Chambers	Haberman	Labedz	Pirsch	

The Withem-Nelson amendment was adopted with 25 ayes, 8 nays, 7 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the call raised.

Mr. Rogers asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 866 in the Journal. No objections. So ordered.

AM2862

(Amendments to AM2799)

1. On page 2, line 15, after "members" insert "at any one time"; and in line 17 after "members" insert "at any one time during such fiscal year".

Messrs. R. Johnson and Wehrbein asked unanimous consent to print the following amendment to LR 249CA in the Journal. No objections. So ordered.

AM2863

1. On page 2, strike beginning with "used" in line 20 through "purposes" in line 21; and strike lines 23 and 24 and insert "for a different method of taxing agricultural land and horticultural land which".

2. On page 3, line 1, before "with" insert "(a)" and strike "or subclasses" and after "property" insert "or (b) within the class of agricultural land and horticultural land".

3. On page 4, strike beginning with "that" in line 15 through "property" in line 20 and insert "for a different method of taxing agricultural land and horticultural land which results in values which are not uniform or proportionate with other classes of property or within the class of agricultural land and horticultural land".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 518 in the Journal. No objections. So ordered.

AM2864

1. On page 3, line 3, strike "fifty".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 518A in the Journal. No objections. So ordered.

AM2819

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby appropriated (1) $13,327 from the General Fund and $13,327 from Federal Funds for the period July 1, 1988, to June 30, 1989, and

(2) $26,404 from the General Fund and $26,404 from Federal Funds for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 518, Ninetieth Legislature, Second Session, 1988.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $19,300 for the period July 1, 1988, to June 30, 1989, nor $38,600 for the period July 1, 1989, to June 30, 1990.

Sec. 2. There is hereby appropriated (1) $1,148,928 from the General Fund and $1,389,396 from Federal Funds for the period July 1, 1988, to June 30, 1989, and (2) $2,297,856 from the General Fund and $2,778,794 from Federal Funds for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 347, to aid in carrying out the provisions of Legislative Bill 518, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 3. There is hereby appropriated (1) $504,123 from the General Fund and $758,877 from Federal Funds for the period July 1, 1988, to June 30, 1989, and (2) $1,008,246 from the General Fund and $1,517,754 from Federal Funds for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 348, to aid in carrying out the provisions of Legislative Bill 518, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

VISITORS

Visitors to the Chamber were 38 fourth, fifth, and sixth grade students and teachers from School District 60, Hastings.

ADJOURNMENT

At 7:50 p.m., on a motion by Mr. Wehrbein, the Legislature adjourned until 8:00 a.m., Wednesday, March 30, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - MARCH 30, 1988

LEGISLATIVE JOURNAL

FIFTY-FIFTH DAY - MARCH 30, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 30, 1988

Pursuant to adjournment, the Legislature met at 8:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Wendel Conover, Fellowship of Christian Athletes, Milford, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek and Rogers who were excused; and Messrs. Abboud, Chambers, R. Johnson, V. Johnson, Mesdames Higgins, Johanns, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1846, after line 5, insert:
LB 1072 stands indefinitely postponed.
The Journal for the Fifty-Fourth Day was approved as corrected.

ANNOUNCEMENT

The Chair announced today is Senator Wesely's birthday.

MR. LAMB PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1041. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1987, LB 245, section 1, Laws 1987, LB 564A, sections 1 to 4, Laws 1987, LB 769, section 1, Laws 1987, LB 780, sections 14, 19, 24, 28, 29, 30, 38, 81, 84, and 92, Laws 1987, LB 780, subsection (10) of section 70, and Laws 1987, LB 781, sections 4, 8, 15, 22, and 33; to make deficiency appropriations; to make appropriations for capital construction; to change and eliminate provisions relating to appropriations; to repeal the original sections and subsection; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Ashford	Coordsen	Hefner	McFarland	Schmit
Baack	Dierks	Johnson, L.	Miller	Scofield
Barrett	Elmer	Johnson, V.	Moore	Smith
Bernard-Stevens	Goodrich	Lamb	Morehead	Warner
	Haberman	Landis	Nelson	Wehrbein
Beyer	Hall	Langford	Peterson	Weihing
Campbell	Hannibal	Lynch	Remmers	Wesely
Chambers	Hartnett	Marsh	Schellpeper	Withem
Conway				

Voting in the negative, 0.

Present and not voting, 1:

Korshoj

Excused and not voting, 8:

Abboud	Higgins	Johnson, R.	Pirsch	Rogers
Chizek	Johanns	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.

MOTION - Return LB 419 to Select File

Mr. Withem moved to return LB 419 to Select File for his specific amendment, AM2457, found in the Journal on page 1360.

SPEAKER BARRETT PRESIDING

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall 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 Withem motion to return prevailed with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 419. The Withem specific amendment, AM2457, found in the Journal on page 1360 was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 419A to Select File

Mr. Withem moved to return LB 419A to Select File for his specific amendment, AM2697, found in the Journal on page 1832.

The Withem motion to return prevailed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 419A. The Withem specific amendment, AM2697, found in the Journal on page 1832 was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 823 to Select File

Mr. Landis moved to return LB 823 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Landis withdrew his motion to return.

WITHDRAW - Amendment to LB 823

Mr. Moore withdrew his pending amendment, AM2543, found in the Journal on page 1604 to LB 823.

UNANIMOUS CONSENT - Member Excused

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 823 to Select File

Mr. Moore moved to return LB 823 to Select File for his specific amendment, AM2851, found in the Journal on page 1863.

Mr. Lynch 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 Moore motion to return prevailed with 29 ayes, 9 nays, 7 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 823. The Moore specific amendment, AM2851, found in the Journal on page 1863 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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 1041.

MOTION - Return LB 1013A to Select File

Mr. Wesely moved to return LB 1013A to Select File for his specific amendment, AM2440, found in the Journal on page 1465.

The Wesely motion to return prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1013A. The Wesely specific amendment, AM2440, found in the Journal on page 1465 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.

RESOLUTION

LEGISLATIVE RESOLUTION 425. Introduced by Wesely, 26th District.

WHEREAS, each day in our state thousands of parents place their infants and young children, our state's most precious resource, in the hands of child care providers; and

WHEREAS, an increased participation of women in the workforce will continue to heighten the demand for child care during working hours, and by 1990, it is estimated that eighty percent of the mothers with preschool-age children will be in the workforce; and

WHEREAS, all children deserve quality child care; and

WHEREAS, child care service providers are the major determinants of child care quality and as such are responsible for our children's futures. Nevertheless, they represent one of the least understood and most poorly rewarded of all professions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends Nebraska child care providers for their commitment to the care and education of our young children.

2. That the Legislature recognizes the importance of quality and affordable child care services for the citizens of Nebraska.

3. That the Legislature hereby declares the week of April 10-16, 1988, as the Week of the Young Child in Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 833 in the Journal. No objections. So ordered.

AM2858

(Amendments to Standing Committee amendments, AM2197)

1. Insert the following new section:

"Section 1. That section 18-1740, Revised Statutes Supplement, 1987, be amended to read as follows:

18-1740. All permits authorized under sections 18-1736 to 18-1741 for handicapped or disabled parking shall be issued for a period ending January 1 of the fourth year following the date of issuance. All temporarily handicapped or disabled parking permits authorized under sections 18-1736 to 18-1741 shall be issued for a period ending ninety days from the date of issuance but may be renewed for up to three additional ninety-day periods. For each additional ninety-day renewal period, there shall be submitted an additional application with proof of a handicap or disability and the required permit fee. A permit fee of three dollars shall be charged for each permit, two dollars and fifty cents of which shall be retained by the city or village clerk and fifty cents shall be forwarded on a quarterly basis to the Department of Motor Vehicles.".

2. On page 3, line 6, after the last comma insert "and section 18-1740, Revised Statutes Supplement, 1987,".

3. Renumber the remaining sections accordingly.

Mrs. Smith asked unanimous consent to print the following amendment to LB 868 in the Journal. No objections. So ordered.

AM2779

(Amendments to Final Reading copy)

1. On page 1, strike beginning with "the" in line 1 through "Court" in line 2 and insert "labor"; in line 3 after "1986" insert ", and section 48-1703, Revised Statutes Supplement, 1987"; in line 4 strike "; and" and insert "to the Nebraska Workers' Compensation Court; to provide a fee and the deposit thereof for certificates of exemption under the Farm Labor Contractors Act;"; and in line 5 after "sections" insert

"; and to declare an emergency".

2. On page 4, line 21, after the last comma insert "and section 48-1703, Revised Statutes Supplement, 1987,".

3. Insert the following new sections:

"Sec. 3. That section 48-1703, Revised Statutes Supplement, 1987, be amended to read as follows:

48-1703. The following shall be excluded from the Farm Labor Contractors Act:

(1) Any individual who engages in a farm labor contracting activity on behalf of a farm, processing establishment, cannery, gin, packing shed, or nursery, which is owned and operated exclusively by such individual or a member of his or her immediate family, if such activities are performed only for such operation and exclusively by such individual or family member, but without regard to whether such individual has incorporated or otherwise organized for business purposes;

(2) Any common carrier which would be a farm labor contractor solely because it is engaged in transporting any migrant or seasonal agricultural worker. For purposes of this section, a common carrier is one which holds itself out to the general public to engage in transportation of passengers for hire, whether over regular or irregular routes, and which holds a valid certificate or authorization for such purposes from an appropriate local, state, or federal agency;

(3) Any labor organization as defined under applicable state law;

(4) Any nonprofit charitable organization or public or private nonprofit educational institution;

(5) Any custom combine, hay harvesting, sheep shearing, or custom poultry operations;

(6) Employees of exempt employers; and

(7) Any operation which employs individuals domiciled within fifty miles of the location where the labor is to be performed and which has obtained ~~a~~ an annual local operator's certificate of exemption from the department. The fee for such certificate shall be ten percent of the fee charged for a license for a farm labor contractor, regardless of whether the certificate is an initial or renewal certificate, and the fee shall

be deposited in the Farm Labor Contractors Fund. Any operator who meets the requirements of this subdivision shall be issued such certificate by the department. The department shall adopt and promulgate rules and regulations necessary to carry out this subdivision.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. Renumber the remaining section accordingly.

Mrs. Morehead asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2846

(Amendments to AM5425)

1. On page 51, line 1, strike "sixteen" and insert "twenty".

2. On page 54, line 22, strike "five" and insert "four".

3. On page 55, line 2, strike "four" and insert "three"; in line 7 strike "thirty-two" and insert "twenty-eight"; and in line 21 strike "sixty-eight" and insert "seventy-two".

4. On page 56, line 2, strike "thirty-two" and insert "twenty-eight"; in line 7 strike "five" and insert "four"; and in line 13 strike "four" and insert "three".

GENERAL FILE

LEGISLATIVE BILL 675. Messrs. Hefner and Abboud renewed their pending motion found in the Journal on page 1323 to indefinitely postpone.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall moved to bracket LB 675 until April 8, 1988.

The Hall motion to bracket lost with 8 ayes, 22 nays, 15 present and not voting, and 4 excused and not voting.

MOTION - Overrule Speaker's Agenda

Mrs. Higgins moved to overrule the Speaker's agenda to permit additional consideration of LB 675.

Mr. Hall 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 motion to overrule the Speaker's agenda prevailed with 30 ayes, 11 nays, 4 present and not voting, and 4 excused and not voting.

MOTION - Suspend Rules

Mr. Ashford moved to suspend the rules to vote on kill motion and then vote on the bill without further debate on LB 675.

Mr. Hall 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 Ashford motion to suspend the rules prevailed with 30 ayes, 4 nays, 11 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 675.

Mr. Hefner moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hefner requested a roll call vote on the Hefner-Abboud motion to indefinitely postpone.

Voting in the affirmative, 20:

Abboud	Coordsen	Hefner	Lamb	Pirsch
Barrett	Elmer	Johnson, L.	Langford	Remmers
Beyer	Goodrich	Johnson, R.	Miller	Schellpeper
Campbell	Haberman	Labedz	Peterson	Wehrbein

Voting in the negative, 24:

Ashford	Baack

Bernard-Stevens	Hall	Johnson, V.	Moore	Warner
Chambers	Hannibal	Landis	Morehead	Weihing
Conway	Hartnett	Lynch	Schmit	Wesely
Dierks	Higgins	Marsh	Smith	Withem
	Johanns	McFarland		

Present and not voting, 1:

Korshoj

Excused and not voting, 4:

Chizek	Nelson	Rogers	Scofield

The Hefner-Abboud motion to indefinitely postpone lost with 20 ayes, 24 nays, 1 present and not voting, and 4 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 21:

Baack	Hannibal	Johnson, V.	McFarland	Warner
Chambers	Hartnett	Landis	Moore	Weihing
Conway	Higgins	Lynch	Morehead	Wesely
Dierks	Johanns	Marsh	Schmit	Withem
Hall				

Voting in the negative, 25:

Abboud	Campbell	Hefner	Lamb	Pirsch
Ashford	Coordsen	Johnson, L.	Langford	Remmers
Barrett	Elmer	Johnson, R.	Miller	Schellpeper
Bernard-Stevens	Goodrich	Korshoj	Nelson	Smith
	Haberman	Labedz	Peterson	Wehrbein
Beyer				

Excused and not voting, 3:

Chizek	Rogers	Scofield

Failed to advance to E & R for Review with 21 ayes, 25 nays, and 3 excused and not voting.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 30, 1988, at 10:55 a.m., was the following bill: 1041.

(Signed) Pam Moravec, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

March 30, 1988

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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: Donald D. Vogel, 2023 W. LaMar, Grand Island, NE 68801, home: 308-384-7359.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:sk

PRESIDENT NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1092. The Standing Committee amendment, AM2536, found in the Journal on page 1458 and considered on page 1830, was renewed.

Mr. Schellpeper asked unanimous consent to replace his pending amendment, AM2772, found in the Journal on page 1788 and considered on page 1831 with a substitute amendment. No objections. So ordered.

Mr. Schellpeper withdrew his pending amendment, AM2772, found in the Journal on page 1788.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schellpeper offered the following substitute amendment to the Standing Committee amendment:

AM2860

(Amendments to Standing Committee amendments, AM2536)

1. On page 5, line 18, strike "twenty" and insert "fifty"; in line 19 after "81-15.101.01" insert "and rules or regulations adopted and promulgated pursuant to the act"; in line 20 after "technical" insert "or"; and in line 24 strike ". The local monitoring committee shall not" and insert "to carry out any other necessary functions, including independent analysis of data developed by the applicant or the department.".

2. On page 6, strike lines 1 through 3; in line 16 strike "an office" and insert "the central offices"; and strike beginning with "the" in line 17 through line 18 and insert "January 1, 1989.".

3. On page 7, line 17, strike "contiguous to the original boundary" and insert "within a five-mile radius"; and in line 24 after "waste" insert "or when the property is sold".

4. On page 8, strike beginning with "which" in line 12 through "compensated" in line 13.

5. On page 9, line 5, strike "liability" and insert "strict liability in tort".

Mrs. Higgins, Messrs. Korshoj, and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Schellpeper requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Bernard-Stevens	Dierks	Johnson, R.	Nelson	Smith
Conway	Hannibal	Miller	Schellpeper	Wesely
Coordsen	Hefner	Morehead	Scofield	Withem

Voting in the negative, 24:

Abboud	Chambers	Johnson, L.	Langford	Schmit
Ashford	Elmer	Johnson, V.	Marsh	Warner
Baack	Goodrich	Labedz	Peterson	Wehrbein
Beyer	Hall	Lamb	Pirsch	Weihing
Campbell	Hartnett	Landis	Remmers	

Present and not voting, 3:

Barrett	Lynch	McFarland

Absent and not voting, 2:

Haberman	Johanns

Excused and not voting, 5:

Chizek	Higgins	Korshoj	Moore	Rogers

The Schellpeper amendment lost with 15 ayes, 24 nays, 3 present and not voting, 2 absent and not voting, and 5 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 1217 in the Journal. No objections. So ordered.

AM2773

(Amendment to AM5421)

1. Insert the following new sections:

"Section 1. That section 66-1301, Revised Statutes Supplement, 1987, be amended to read as follows:

66-1301. Sections 66-1301 to 66-1325 and

section 2 of this act shall be known and may be cited as the Ethanol Authority and Development Act.

Sec. 2. No funds collected by the board may be expended directly or indirectly to promote or oppose any candidate for public office or to influence state legislation. The board shall not expend more than twenty-five percent of its annual budget to influence federal legislation.".

2. On page 10, line 22, after "sections" insert "66-1301,".

3. Renumber remaining sections accordingly.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 1217 in the Journal. No objections. So ordered.

AM2781

(Amendments to AM5421)

1. On page 2, strike lines 11 through 20; in line 21 strike "(g)" and insert "(f)"; and in line 24 strike "(h)" and insert "(g)".

2. On page 4, strike beginning with "When" in line 2 through "(5)" in line 10.

3. On page 6, line 16, reinstate the stricken "or"; and strike beginning with the comma in line 16 through "Act" in line 18.

4. On page 7, line 2, after the third comma insert "or"; strike beginning with the comma in line 3 through "Act" in line 4; and strike lines 8 through 19.

5. On page 8, line 15, strike "or (3)".

6. On page 9, line 11, strike "or (3)"; in line 19 after the first comma insert "or"; and strike beginning with the second comma in line 19 through "Act" in line 21.

7. On page 10, line 8, after the comma insert "or"; and strike beginning with the comma in line 9 through "appropriate" in line 17.

8. Strike section 8.

VISITORS

Visitors to the Chamber were 16 seniors and teacher from Waterloo High School; 130 seniors from District 24; 41 eighth grade students and teacher from St. Thomas More School, Omaha; Helen Krause from Fremont; 35 students and teacher from Plattsmouth; 31 seventh

and eighth grade students and teachers from Cedar Hollow School, Grand Island; 30 fourth grade students and teachers from Lincoln School and Beebe School, Fremont; 40 ninth grade students, teacher, and sponsor from West Point High School; 30 seventh, eighth, and ninth grade students and teachers from Mission Junior High School, Bellevue; Senator Korshoj's sisters, Betty Megrue from Blair and Marilyn Jackson from Fremont; and Mary Harkless from Fremont and Mable Harris from Blair.

RECESS

At 12:01 p.m., on a motion by Mr. Elmer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Chizek who was excused; and Messrs. Chambers, Haberman, R. Johnson, V. Johnson, McFarland, Peterson, Rogers, Schmit, Warner, Mesdames Morehead, Pirsch, and Smith who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 716. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM5432.)

LEGISLATIVE BILL 716A. Placed on Select File as amended.
E & R amendments to LB 716A:
AM5433

1. On page 1, line 3; and page 2, line 7, strike "First Session, 1987" and insert "Second Session, 1988".

2. On page 2, line 3, strike "1987" and insert "1988"; in lines 3 and 4 strike "1988" and insert "1989"; and in line 4 strike "1989" and insert "1990".

3. Strike original section 2.

(Signed) Scott Moore, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor appointments.

Judiciary
Lelan A. Oberg - Board of Parole

Health and Human Services
Kathy Gappa - Foster Care Review Board

Education
David A. Stubbs - Nebraska Safety Center Advisory Council

Natural Resources
Donald D. Vogel - Environmental Control Council

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

REPORT OF THE EXECUTIVE BOARD

1988 Resolutions Calling for a Study

264	Executive Board to establish a Select Committee on Rural-Urban Renewal and Restoration	Executive Board (Select Committee)
286	Study Nebraska's statutes on municipal ownership and operation of utilities	Urban Affairs
288	Examine the confirmation process used by the Legislature in reviewing appointments made by the Governor	Executive Board (Select Committee)
336	Examine the effectiveness and utilization of resources in our county attorney system	Judiciary

343	Examine the Industrial Relations Act	Business & Labor
344	Examine the operation and funding of fringe benefit funds created by collective bargaining between private employers and their employees	Business & Labor
346	Undertake an interim study on alternative school reorganization mechanisms	Education
350	Study all aspects of the Research and Development Authority	Banking, Commerce & Insurance
351	Study the procedures in adoption of rules and regulations of state agencies	Govt., Military & Vet. Affairs
352	Study Nebraska's municipal annexation and extraterritorial jurisdiction statutes as they relate to developed areas surrounding cities and villages	Urban Affairs
353	Examine UNMC's impact on health care cost containment and patient volume in Nebraska	Health & Human Services
354	Study the current state of educational programs for gifted students	Education
355	Study the necessity, feasibility and desirability of rewriting, updating, and reorganizing Nebraska's insurance statutes	Banking, Comm. & Insurance
356	Study issues concerning automobile insurance and financial responsibilities	Banking, Comm. & Insurance/ Transportation
357	Establish a Special Committee to address the issue of Nebraska's	Executive Board (Select Committee)

	boundaries	
358	Propose a comprehensive study of the history, philosophy, and methods used in the practice of naturopathy	Health & Human Services
359	Propose a study of the licensing of private investigators in the state	Govt., Military & Vet. Affairs
360	Propose a study to determine the feasibility of reinstating the annual motor vehicle inspection law	Transportation
361	Study the County Purchasing Act	Govt., Military & Vet. Affairs
362	Study the issue of updating the state law relating to cruelty and neglect to animals	Govt., Military & Vet. Affairs
363	Study cancer-control programs in Nebraska	Health & Human Services
364	Determine the extent of hunger in Nebraska	Health & Human Services
365	Conduct an in-depth review of driver safety education	Education
366	Determine the feasibility or desirability of regulating gambling in Nebraska	General Affairs
367	Review the citizenship requirement relating to Nebraska-bred horses	General Affairs
369	Study the need for a program of assistance for nursing education	Health & Human Services

370	Study the feasibility of a state-wide plumbing code	Urban Affairs
371	Study the impact of LB 474, which increased the state minimum wage law	Business & Labor
372	Study ways the State of Nebraska can encourage the development and expansion of aquaculture	Agriculture
373	Study how cattle are marketed in Nebraska	Agriculture
374	Study the control of noxious weeds	Agriculture
375	Develop a program for the provision of life skills education for the prevention of teen pregnancies in Nebraska	Health & Human Services
376	Examine the feasibility of enforcing standard code licensing provisions by establishing penalties for such code violations	Urban Affairs
379	Examine bumper height requirements for trucks and passenger cars	Transportation
380	Study the membership and examination requirements of the Nebraska State Bar Association	Judiciary
381	Conduct a study of immunity from liability granted to individuals, professions, not-for-profit organizations, political subdivisions and others in Nebraska law	Judiciary
382	Conduct an interim study of current statutes, policies, procedures, and decision-making relating	Transportation

	to highway construction & maintenance programs	
383	Provide for several areas of study relating to matters over which the Transportation Committee has jurisdiction	Transportation
384	Conduct an interim study of the mandates established by the U.S. Congress through the passage of the Commercial Motor Vehicle Safety Act of 1986	Transportation
385	Study matters relating to the registration fees charged for various classes of motor carriers registering in the State of Nebraska	Transportation
386	Conduct a study with respect to Nebraska's railroad branch lines	Transportation
387	Conduct a study of the transportation facilities and services of the State of Nebraska	Transportation
388	Ascertains the need, if any, for additional judicial resources in the separate juvenile courts	Judiciary
389	Study the data system describing the elementary and secondary school system	Education
390	Study aid and assistance available to students attending Nebraska institutions of post-secondary education	Education
391	Establish a study of the methods by which the state may encourage internal restructuring of schools in order to promote quality and innovation	Education

392	Study the current system by which legal opinions are requested by members of the Legislature and rendered by the office of the Attorney General	Executive Board
393	Study the issuance of drivers' licenses to persons utilizing bioptic lenses to drive using specific visual acuity measurements	Transportation
394	Study the appropriate minimum training and education needed for school nurses in addressing the health problems particular to the school setting	Health & Human Services
395	Evaluate the child care system in Nebraska	Health & Human Services
396	Determine the needs of care-givers for the elderly	Health & Human Services
397	Analyze Nebraska's participation in the federal Juvenile Justice and Delinquency Prevention Act	Judiciary
398	Review the Department of Economic Development's progress in developing a comprehensive long-term strategy for economic development	Govt., Military & Vet. Affairs
399	Examine Nebraska's system of rivers and streams for the purpose of identifying protection and preservation	Natural Resources
400	Study the feasibility of state licensure of stationary engineers in order to ensure the safe operation of boilers	Business & Labor
401	Study the feasibility of the	Health & Human

	State of Nebraska becoming fiscally responsible for the provision of medical, health, and hospital care and services to medically indigent persons	Services
402	Examine the issue of state and local government competition with private enterprise	Govt., Military & Vet. Affairs
403	Examine and analyze the process which the Department of Social Services uses to refer children to foster care or to public and private institutions with whom it contracts	Health & Human Services
404	Review how Nebraska is affected fiscally and socially by the need for and provision of human services programs	Health & Human Services
405	Study the quality of education in Nebraska elementary and secondary schools	Education
406	Examine and analyze the process for the titling, licensing, and registering of motor vehicles in the state	Transportation
407	Study all-terrain vehicles and their usage on the roads of the state	Transportation
408	Examine and study the pornography laws of other states and of the federal government	Judiciary
409	Cause a detailed study of the mission, role, organization, governance, oversight, and operation of the Nebraska State Historical Society	Executive Board (Select Committee)

410	Review new information and developments regarding the 1983 collapse of Commonwealth Savings Company	Banking, Comm. & Insurance
411	Authorize a study of issues relating to the transportation, storage, and disposal of low-level radioactive waste	Natural Resources
412	Authorize a study of underground storage tank regulation and related issues	Natural Resources
413	Authorize a study of issues relating to the operation of agencies involved in the provision of services related to soil and water conservation	Natural Resources
414	Study issues regarding storage, transportation, management, and disposal of waste products and materials	Natural Resources
415	Provide for a study of pertinent issues regarding water and other natural resources	Natural Resources
416	Authorize a study of issues relating to energy usage	Natural Resources
417	Undertake a study of financial and liability issues relating to radioactive waste disposal	Natural Resources
423	Examine government competition with private enterprise	Gov't., Military & Vet. Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE BILL 940. E & R amendments, AM5387, found in the Journal on page 1233 for the Thirty-Ninth Day were adopted.

Mr. Lamb withdrew his pending amendment, AM2102, found in the Journal on page 935.

Ms. Scofield renewed her pending amendment found in the Journal on page 1141.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Ms. Scofield moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Ms. Scofield requested a roll call vote on her amendment.

Voting in the affirmative, 23:

Abboud	Beyer	Johnson, L.	Miller	Scofield
Ashford	Coordsen	Johnson, R.	Peterson	Smith
Barrett	Dierks	Korshoj	Remmers	Wehrbein
Bernard-Stevens	Elmer	Lamb	Rogers	Weihing
	Hefner	Langford	Schellpeper	

Voting in the negative, 20:

Baack	Hannibal	Johnson, V.	Marsh	Nelson
Campbell	Hartnett	Labedz	McFarland	Warner
Conway	Higgins	Landis	Moore	Wesely
Hall	Johanns	Lynch	Morehead	Withem

Present and not voting, 2:

Goodrich Haberman

Excused and not voting, 4:

Chambers Chizek Pirsch Schmit

The Scofield amendment lost with 23 ayes, 20 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Conway and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem renewed his pending amendment, AM2417, found in the Journal on page 1268.

The Withem amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Dierks asked unanimous consent to replace his pending amendment, AM2460, found in the Journal on page 1309 with a substitute amendment. No objections. So ordered.

Mr. Dierks withdrew his pending amendment, AM2460, found in the Journal on page 1309.

Mr. Dierks offered the following substitute amendment:
AM2850
(Amendments to Standing Committee amendments, AM1851)

1. On page 3, line 12, after "district" insert "(i)"; and in line 14 after "districts" insert ", (ii) will include one previously existing Class II or Class III school district if no other Class II or Class III school district is located in the county in which such Class VI school district is located, or (iii) includes one previously existing Class II or Class III school district if the following procedure is followed:

(A) Such Class VI school district adopts an official resolution stating its intention to form a new school district and includes in such resolution an initial estimate of property to be included in the new school district;

(B) Such Class VI school district notifies all other Class II and Class III school districts in the county or counties in which the proposed district is to be located of its intention to form the new school district and gives each notified school district the option to join the new school district. Notification shall clearly state that within forty-five days of such notice a notified school district shall reply, by official resolution, as to its desire to be included in or excluded from the new school district or to request

an extension of the response date. Failure to reply or to officially request an extension of the established response deadline by such date shall automatically require a second notification. Second notification shall include a notice that failure to reply within thirty days of the second notice shall automatically be interpreted as a desire to be excluded from the new school district; and

(C) Given the stated time to respond pursuant to subdivision (B) of this subdivision, all notified school districts express by official resolution their desire to be excluded from the new school district or, given second notification and such stated time to respond, fail to reply".

Mr. Dierks moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud	Hefner	Labedz	Peterson	Scofield
Coordsen	Johnson, L.	Lamb	Remmers	Smith
Dierks	Johnson, R.	Langford	Schellpeper	Weihing
Elmer	Korshoj			

Voting in the negative, 16:

Ashford	Campbell	Landis	Miller	Warner
Baack	Hall	Lynch	Moore	Wesely
Bernard-Stevens	Hartnett	Marsh	Nelson	Withem
	Johnson, V.			

Present and not voting, 10:

Barrett	Goodrich	Higgins	McFarland	Rogers
Beyer	Hannibal	Johanns	Morehead	Wehrbein

Excused and not voting, 6:

Chambers	Conway	Haberman	Pirsch	Schmit
Chizek				

The Dierks amendment lost with 17 ayes, 16 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Langford renewed her pending amendment, AM2611, printed separate from the Journal and referred to on page 1520.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

The Langford amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Warner renewed his pending amendment, AM2720, found in the Journal on page 1655.

The Warner amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LR 265CA in the Journal. No objections. So ordered.

AM2886

1. On page 1, lines 2 and 10, strike "and 4,".

2. On page 2, strike lines 2 through 12; and strike beginning with "to" in line 21 through the comma in line 24.

3. In AM2624, on page 1, line 2, strike the first comma and insert "and".

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointment Wednesday, March 30, 1988 3:00 p.m.
Donald D. Vogel - Environmental Control Council

(Signed) Loran Schmit, Chairperson

SELECT FILE

LEGISLATIVE BILL 940. Mr. Coordsen offered the following amendment:

Strike lines 5 through 11 on page 3, AM1851 - LB 940.

Mr. Coordsen withdrew his amendment.

Mr. Lamb offered the following amendment:

To amend LB 940, in AM1851, on page 1, line 15, strike the word "districts" and insert "systems".

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

The Lamb amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Lamb offered the following amendment:
AM2707

(Amendments to AM1851)

1. On page 13, line 1, strike "and"; and in line 2 strike "79-494" and insert "79-495 to 79-499, and 79-4,101".

The Lamb amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Moore moved to reconsider the Scofield amendment to LB 940.

PRESIDENT NICHOL PRESIDING

The Moore motion to reconsider prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The Scofield amendment found in the Journal on page 1141 was reconsidered.

Mr. Wesely 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 Scofield amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 940A. E & R amendment, AM5388, found in the Journal on page 1234 for the Thirty-Ninth Day was adopted.

Mr. Withem renewed his pending amendment, AM2445, found in the Journal on page 1276.

The Withem amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Member Excused

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 1092 in the Journal. No objections. So ordered.

AM2868

(Amendments to Standing Committee amendments, AM2536)

1. Insert the following new section:

"Sec. 5. That section 81-15,101.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-15,101.01. (1) ~~As part of the application for a license, the applicant shall indicate a site for the proposed facility. Within thirty days after a site has been proposed,~~ The developer shall identify three candidate site areas by January 1, 1989. Within thirty days after the three candidate site areas have been identified, a local monitoring committee shall be established. The committee shall represent the citizens of the proposed site area and maintain communication with the applicant and the department to assure protection of public health and safety and the protection of the air, land, and water resources of the area. It is the intent of the Legislature that the local monitoring committee provide significant input

concerning local needs and resources regarding all relevant aspects of the siting, operation, monitoring, closure, and custodial care of the facility. ~~The functions and duties of the committee shall be established pursuant to rules and regulations adopted and promulgated by the council.~~

(2) The local monitoring committee shall be composed of the following members:

(a) Two members from any municipality ~~whose~~ the zoning jurisdiction of which is within fifteen miles of the proposed facility or, if there is no such municipality, from the municipality in closest proximity to the proposed facility, to be appointed by the chief executive officer or by the governing body if there is no chief executive officer;

(b) Two members from the county in which the facility is proposed, to be appointed by the governing body of the county;

(c) Two members appointed by the board of directors of the natural resources district in which the facility is proposed; and

(d) Three members to be appointed by the Governor who reside within fifty miles of the proposed facility, at least one of whom represents environmental groups.

(3) The local monitoring committee shall perform the following functions:

(a) Hold information exchange meetings to allow discussion of the proposed facility and facilitate citizen input;

(b) Act as liaison between the public, the department, and the developer;

(c) Conduct an assessment of needs of the local area;

(d) Identify local resources which may be impacted by the facility;

(e) Independent review of information provided by the developer or the department, including review of the application;

(f) Determine whether there is community support for the facility;

(g) Provide a recommendation concerning the suitability of locating the facility at the proposed site. No positive recommendation shall be made unless

the local monitoring committee finds that the facility will not endanger local resources and the local needs can be met and can provide substantial evidence of community support in the area. The recommendation of the local monitoring committee shall be presumed valid, and no application shall be approved without a recommendation in favor of the facility in that area unless the department determines that the local monitoring committee's findings are arbitrary and capricious or clearly unsupported by the evidence.".

2. On page 1, line 8, strike "6 to 12" and insert "7 to 13".

3. On page 9, line 12, after the second comma insert "81-15,101.01,".

4. Renumber the remaining sections accordingly.

Messrs. Chambers and Landis asked unanimous consent to print the following amendment to LB 1226 in the Journal. No objections. So ordered.

On page 15, strike section 9 and insert a new section 9:

"Any person who competes in the sport of football for the University of Nebraska at Lincoln shall be paid a stipend, the amount of which shall be determined by the University."

Mrs. Labedz and Mr. Hall asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2884

(Amendments to AM5425)

1. On page 25, line 15, after the second comma insert "(c)(6),".

SELECT FILE

LEGISLATIVE BILL 1089. E & R amendments, AM5390, found in the Journal on page 1250 for the Fortieth Day were adopted.

Mrs. Morehead offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2325.)

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Morehead amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mrs. Labedz renewed her pending amendment, AM2616, found in the Journal on page 1495.

The Labedz amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mrs. Morehead renewed her pending amendment, AM2796, found in the Journal on page 1817.

The Morehead 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.

STANDING COMMITTEE REPORTS
Health and Human Services

The Committee on Health and Human Services 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 Shapiro, M.D. - State Board of Health

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Lynch, Morehead, Wesely. Voting nay: None. Absent: Senator Schellpeper.

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

L. E. Voss - State Board of Health

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Lynch, Morehead, Wesely. Voting nay: None. Absent: Senator Schellpeper.

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

David T. Calhoun - Advisory Committee to the Departments of Public Institutions, Social Services and Correctional Services

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Lynch, Morehead, Wesely. Voting nay: None. Absent: Senator Schellpeper.

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Stuart L. Wheeler - Advisory Committee to the Departments of Public Institutions, Social Services and Correctional Services

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Lynch, Morehead, Wesely. Voting nay: None. Absent: Senator Schellpeper.

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Deborah McBride - Foster Care Review Board

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Lynch, Morehead, Wesely. Voting nay: None. Absent: Senator Schellpeper.

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Richard F. Forrestor - Foster Care Review Board

Voting aye: Senators Bernard-Stevens, Beyer, Goodrich, Lynch, Morehead, Wesely. Voting nay: None. Absent: Senator Schellpeper.

(Signed) Don Wesely, Chairperson

SELECT FILE

LEGISLATIVE BILL 90. E & R amendments, AM5391, found in the Journal on page 1270 for the Fortieth Day were adopted.

Mr. Hall withdrew his pending amendment, AM1800, found in the Journal on page 1212.

Mr. Hall renewed his pending amendment found in the Journal on page 1215.

Mr. Lynch 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. Hall moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Ashford	Dierks	Higgins	Labedz	Remmers
Baack	Goodrich	Johanns	Landis	Rogers
Campbell	Hall	Johnson, V.	Lynch	Schellpeper
Conway	Hartnett	Korshoj	McFarland	Schmit
Coordsen				

Voting in the negative, 22:

Abboud	Elmer	Lamb	Morehead	Scofield
Barrett	Hannibal	Langford	Nelson	Smith
Bernard-Stevens	Hefner	Marsh	Peterson	Warner
	Johnson, L.	Miller	Pirsch	Wehrbein
Beyer	Johnson, R.	Moore		

Present and not voting, 3:

Weihing	Wesely	Withem

Excused and not voting, 3:

Chambers	Chizek	Haberman

The Hall amendment lost with 21 ayes, 22 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Hall withdrew his pending amendments: (1) AM2559, (2) AM2558, (3) AM2562, and (4) AM2554, found in the Journal on page 1386.

Mr. Hall renewed his pending amendment, (5) AM2555, found in the Journal on page 1386.

Ms. Scofield 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 Hall amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Hall withdrew his pending amendments: (6) AM2556, (7) AM2560, (8) AM2557, and (9) AM2561 found in the Journal on page 1387.

Mr. Lynch offered the following amendment:

Strike language beginning on pg. 3, line 25 following deposition through line 2 on page 4, and insert the following new language:

"That any taped testimony must be accomplished with professional TV staff in a sound studio, with a hidden camera"

Mr. Bernard-Stevens 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 Lynch amendment lost with 5 ayes, 9 nays, 32 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORT

Natural Resources

The Committee on Natural Resources 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 D. Vogel - Environmental Control Council

VOTE: Aye: Senators Schmit, Elmer, Johanns, Labedz, and Weihing. Absent: Senators Rod Johnson, Hall, and Lamb.

(Signed) Loran Schmit, Chairperson

SELECT FILE

LEGISLATIVE BILL 1110. E & R amendments, AM5394, found in the Journal on page 1315 for the Forty-First Day were adopted.

Mr. Hartnett renewed his pending amendment, AM2146, found in the Journal on page 1261.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Conway withdrew the pending Chizek amendment, AM2709, found in the Journal on page 1618.

Mr. Conway renewed the pending Chizek amendment, AM2797, found in the Journal on page 1777.

The Chizek amendment was adopted with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 518. E & R amendments, AM5397, found in the Journal on page 1337 for the Forty-Second Day were adopted.

Mesdames Smith and Johanns renewed their pending amendment, AM2507, found in the Journal on page 1324.

SPEAKER BARRETT PRESIDING

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Smith 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 Smith-Johanns amendment was adopted with 25 ayes, 6 nays, 15 present and not voting, and 3 excused and not voting,

Mr. V. Johnson renewed his pending amendment, AM2864, found in the Journal on page 1879.

Mrs. Nelson 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. V. Johnson asked unanimous consent to replace his pending amendment, AM2864, found in the Journal on page 1879 with a substitute amendment. No objections. So ordered.

Mr. V. Johnson withdrew his pending amendment, AM2864, found in the Journal on page 1879.

Mr. V. Johnson offered the following substitute amendment:

To amend the Smith-Johanns amendment (AM2507) to LB 518 adopted on Select File as follows:

1. Strike beginning with "lines" in line 1 through "in" in line 2; and in line 3 strike "hundred".

Mr. V. Johnson moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Ashford	Conway	Johnson, R.	Lynch	Rogers
Baack	Goodrich	Johnson, V.	Marsh	Schmit
Bernard-Stevens	Hall	Korshoj	McFarland	Weihing
Campbell	Hartnett	Labedz	Miller	Wesely
Chambers	Higgins	Landis	Remmers	Withem

Voting in the negative, 17:

Abboud	Hefner	Langford	Peterson	Scofield
Barrett	Johanns	Moore	Pirsch	Smith
Dierks	Johnson, L.	Nelson	Schellpeper	Wehrbein
Hannibal	Lamb			

Present and not voting, 3:

Beyer	Elmer	Warner

Excused and not voting, 4:

Chizek	Coordsen	Haberman	Morehead

The V. Johnson 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.

Advanced to E & R for Engrossment.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 301, 375, and 684.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 301
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0295

1. In the Conway amendment, AM2574, adopted March 29, 1988:

a. On page 1, line 12, "and nonconsent forms" has been inserted after "histories", "an" has been struck, and "date" has been struck and "dates" inserted;

b. On page 3, line 2, "to" has been struck and shown as stricken and "adoptions" has been struck; and in line 3 "and" has been struck and "or" inserted and "to such" has been struck and "for an" inserted;

c. On page 4, line 10, "to an adoption" has been struck and the old matter shown as stricken and "and" has been struck and "or" inserted; and in line 11 "to such" has been struck and "for an" inserted; and

d. On page 5, line 1, the first "the" has been struck and "a" inserted, "and" has been struck and "or" inserted, and "to the" has been struck and "for an" inserted; the matter beginning with "the" in line 4 through the first "the" in line 5 has been struck and "a" inserted; and in line 5 "and" has been struck and "or" inserted and "to the adoption" has been struck and "for an adoption which" inserted.

2. On page 2, line 8, "the" has been struck and "sections 1 to 6 of" has been inserted after "of".

3. On page 3, line 17, "sections 1 to 6 of" has been inserted after "in".

Enrollment and Review Change to LB 375
(Final Reading second)

The following changes, required to be reported for publication in the Journal, have been made:
ER0300

1. In the Schmit amendment, AM2750, adopted March 29, 1988:

a. On page 1, line 13, the first comma has been struck and an underscored comma has been inserted after "and"; and in line 17 an underscored comma has been inserted after "1963";

b. On page 3, line 8, "it or" has been inserted after "by"; and in line 22 an underscored comma has been inserted after "acquired";

c. On page 4, line 15, "it or" has been inserted after "by"; in line 18 the first "the" has been struck; and in line 20 "their" has been struck and "the" inserted;

d. On page 5, line 9, the comma has been struck and an underscored comma has been inserted after "or"; and in line 12 the comma has been struck; and

e. On page 8, line 12, "Appeals from a decision" has been struck and "Decisions" inserted; in line 13 "under this section may be appealed, and the appeal" has been inserted after "Finance" and "pursuant to" has been struck and "in accordance with" inserted.

Enrollment and Review Change to LB 684
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0296

1. In the Warner-Wesely amendment, AM2782, adopted March 29, 1988:

a. The following new section has been inserted:

"Section 1. That section 48-816, Revised Statutes Supplement, 1987, as amended by section 1, Legislative Bill 519, Ninetieth Legislature, Second Session, 1988, be amended to read as follows:

48-816. (1) After a petition has been filed under section 48-811, the clerk shall immediately notify the commission which shall promptly take such preliminary proceedings as may be necessary to insure a prompt hearing and speedy adjudication of the industrial dispute. The commission shall have power and authority upon its own initiative or upon request of a party to the dispute to make such temporary findings and orders as may be necessary to preserve and protect the status of the parties, property, and public interest involved pending final determination of the issues. In the event of an industrial dispute between an employer and an employee or a labor organization when such employer and employee or labor organization have failed or refused to bargain in good faith concerning the matters in dispute, the commission may order such bargaining to begin or resume, as the case may be, and may make any such order or orders as may be appropriate to govern the situation pending such bargaining. The commission shall require good faith bargaining concerning the terms and conditions of employment of its employees by any employer. The commission shall require the parties to an industrial dispute to submit to mediation or factfinding upon request of either party and shall appoint mediators or factfinders for such purpose. Such orders for bargaining, mediation, or factfinding may be issued at any time during the pendency of an action to resolve an industrial dispute. To bargain in good faith shall mean the performance of the mutual obligation of the employer and the labor organization to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment or any question arising thereunder and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

(2) Except as provided in the State Employees Collective Bargaining Act, 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 the Industrial Relations Act and to negotiate and enter into written agreements with such employee organizations in determining such terms and conditions of employment.

(3)(a) Except as provided in ~~subdivisions~~ subdivision (b) ~~and (c)~~ of this subsection, a supervisor shall not be included in a single bargaining unit with any other employee who is not a supervisor.

(b) All firefighters and police officers employed in the fire department or police department of any municipal corporation in a position or classification subordinate to the chief of the department and his or her immediate assistant or assistants holding authority subordinate only to the chief shall be presumed to have a community of interest and may be included in a single negotiating unit represented by an employee organization for the purposes of the Industrial Relations Act. Public employers shall be required to recognize an employees negotiating unit composed of firefighters and police officers holding positions or classifications subordinate to the chief of the fire department or police department and his or her immediate assistant or assistants holding authority subordinate only to the chief when such negotiating unit is designated or elected by employees in the unit.

~~(c) Sergeants, corporals, and patrol officers employed by the Nebraska State Patrol as authorized in section 81-2004 shall be presumed to have a community of interest and may be included in a single bargaining unit represented by an employee organization for purposes of the act. The state shall be required to recognize an employees bargaining unit composed of sergeants, corporals, and patrol officers employed by the Nebraska State Patrol when such bargaining unit is designated or elected by employees in the unit.~~

(4) When an employee organization has been certified as an exclusive collective-bargaining agent or recognized pursuant to any other provisions of the Industrial Relations 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 such 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.

(5) Upon receipt by an employer of a request from a labor organization to bargain on behalf of employees, the duty to engage in good faith bargaining shall arise if the labor organization has been

certified by the commission or recognized by the employer as the exclusive bargaining representative for the employees in that bargaining unit.

(6) The commission shall have the authority (a) to make studies and analyses of and act as a clearinghouse of information relating to conditions of employment of public employees throughout the state, (b) to request from any government, and such governments are authorized to provide, such assistance, services, and data as will enable it properly to carry out its functions and powers, (c) to conduct studies of problems involved in representation and negotiation, including, but not limited to, those subjects which are for determination solely by the appropriate legislative body, and make recommendations from time to time for legislation based upon the results of such studies, (d) to make available to employee organizations, governments, mediators, factfinding boards and joint study committees established by governments, and employee organizations statistical data relating to wages, benefits, and employment practices in public and private employment applicable to various localities and occupations to assist them to resolve complex issues in negotiations, and (e) to establish, after consulting representatives of employee organizations and administrators of public services, panels of qualified persons broadly representative of the public to be available to serve as mediators or members of factfinding boards.

(7)(a) Except for those cases arising under section 48-818, the commission shall be required to make findings of facts in all cases in which one of the parties to the dispute requests findings. Such request shall be specific as to the issues on which the party wishes the commission to make findings of fact.

(b) In cases arising under section 48-818, findings of fact shall not be required of the commission unless both parties to the dispute stipulate to the request and to the specific issues on which findings of fact are to be made.

(c) If findings of fact are requested under subdivision (a) or (b) of this subsection, the commission may require the parties making the request to submit proposed findings of fact to the commission on the issues on which findings of facts are requested.

(d) In cases arising under section 48-818, the commission shall issue a recommended decision and order, which decision and order shall become final within ten days of entry unless either party to the dispute files with the commission a request for a posttrial conference. If such a request is filed, the commission shall hold a posttrial conference within ten days of receipt of such request and shall issue an order within ten days after holding such posttrial conference,

which order shall become the final order in the case. The purpose of such posttrial conference shall be to allow the commission to hear from the parties on those portions of the recommended decision and order which is not based upon or which mischaracterizes evidence in the record and to allow the commission to correct any such errors after having heard the matter in a conference setting in which all parties are represented.";

b. On page 1, the matter beginning with the first "section" in line 6 through "1988" in line 9 has been struck and "sections" inserted; in line 12 "Section 1" has been struck and "Sec. 2." inserted; and "Reissue" has been inserted after the comma; and in line 13 "Supplement, 1987" has been struck and "of Nebraska, 1943" inserted;

c. On page 1, line 3; and page 6, line 10, "Reissue Revised Statutes of Nebraska, 1943, and section 48-816," has been inserted before "Revised";

d. On page 1, line 4; and page 6, line 10, ", as amended by section 1, Legislative Bill 519, Ninetieth Legislature, Second Session, 1988" has been inserted after "1987"; and

e. On page 6, line 9, "2" has been struck and "3" inserted; and the matter beginning with "and" in line 10 through the second comma in line 13 has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2899

(Amendments to AM5425)

1. On page 36, line 9, strike "or" and insert an underscored comma; and in line 10 after "license" insert ", or a retailer's license for consumption off the premises, other than a convenience store, gas or service station, grocery store, or pharmacy or drug store,".

Mr. Hall asked unanimous consent to print the following amendment to LB 1234 in the Journal. No objections. So ordered.

AM2888

1. On page 21, line 17, before "The" insert "(1)"; and in line 20 after "1988" insert ", except that the changes made in subsection (2) of section 77-4105 shall apply to all applications whether filed before, on, or after January 1, 1988".

2. In the Standing Committee amendments, AM2286, on page 13, line 16, strike "For" and insert:

"(2) Except as provided in subsection (1) of this section, for".

Mr. Wesely asked unanimous consent to print the following amendment to LB 1170 in the Journal. No objections. So ordered.

AM2887

(Amendments to Final Reading second)

1. On page 33, strike beginning with "and" in line 5 through "month" in line 6; in line 8 strike "per month"; and strike beginning with "to" in line 8 through line 11 and insert ". The adjusted supplemental retirement benefit shall be computed as a monthly benefit."; in line 12 strike "The board may" and insert "When funds are made available pursuant to subsection (4) of this section, the board shall"; in line 15 after the period insert "Such annuity shall be paid to a retired person during his or her life."; and in line 20 after "Account" insert "which is in excess of the actuarially assumed investment rate of return of the School Retirement Fund".

SELECT FILE

LEGISLATIVE BILL 518A. E & R amendments, AM5399, found in the Journal on page 1337 for the Forty-Second Day were adopted.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson renewed his pending amendment, AM2819, found in the Journal on page 1879.

Mr. Hall 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 NICHOL PRESIDING

Mr. V. Johnson moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mrs. Johanns requested a roll call vote on the V. Johnson amendment.

Voting in the affirmative, 21:

Ashford	Chambers	Johnson, R.	Lynch	Rogers
Baack	Conway	Johnson, V.	Marsh	Schmit
Bernard-Stevens	Goodrich	Labedz	McFarland	Wesely
	Hall	Landis	Miller	Withem
Campbell	Hartnett			

Voting in the negative, 25:

Abboud	Elmer	Johanns	Moore	Scofield
Barrett	Haberman	Johnson, L.	Morehead	Smith
Beyer	Hannibal	Korshoj	Peterson	Warner
Coordsen	Hefner	Lamb	Remmers	Wehrbein
Dierks	Higgins	Langford	Schellpeper	Weihing

Present and not voting, 1:

Pirsch

Excused and not voting, 2:

Chizek Nelson

The V. Johnson amendment lost with 21 ayes, 25 nays, 1 present and not voting, and 2 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.

Mesdames Smith and Johanns offered the following amendment:
AM2908

1. Strike the original sections and insert
the following new sections:

"Section 1. There is hereby appropriated (1) $160,000 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $320,000 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 347, to aid in carrying out the provisions of Legislative Bill 518, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 2. There is hereby appropriated (1) $300,000 from the General Fund and $450,000 from federal funds for the period July 1, 1988, to June 30, 1989, and (2) $600,000 from the General Fund and $900,000 from federal funds for the period July 1, 1989, to June 30, 1990, to the Department of Social Services, for Program 348, to aid in carrying out the provisions of Legislative Bill 518, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mr. Moore 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 Smith-Johanns amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 703. E & R amendment, AM5398, found in the Journal on page 1337 for the Forty-Second Day was adopted.

Mr. Landis renewed his pending amendment, AM2510, found in the Journal on page 1338.

The Landis amendment was adopted with 28 ayes, 0 nays, 18 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. Remmers renewed his pending amendment, AM2517, found in the Journal on page 1343.

The Remmers 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.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1143. E & R amendment, AM5400, found in the Journal on page 1379 for the Forty-Third Day was adopted.

Messrs. Peterson, Korshoj, L. Johnson, Warner, Mesdames Higgins, and Campbell offered the following amendment:
AM2790

1. Insert the following new section:

"Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Peterson et al. amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Messrs. Ashford and Hall renewed their pending amendment, AM2832, found in the Journal on page 1855.

Mr. Warner offered the following amendment to the pending Ashford-Hall amendment:
AM2880

(Amendments to AM2832)

1. On page 3, line 6, after "value" insert "in the best interests of the state"; and in line 8 after "fund" insert "in the same manner as proceeds are deposited in section 81-161.04".

The Warner amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The Ashford-Hall amendment, as amended, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1143A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 835. E & R amendments, AM5401, found in the Journal on page 1379 for the Forty-Third Day were adopted.

Messrs. Hartnett and Withem withdrew their pending amendment, AM2665, found in the Journal on page 1568.

Messrs. Hartnett, Beyer, and Withem renewed their pending amendment, AM2815, found in the Journal on page 1821.

The Hartnett-Beyer-Withem 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 1030. E & R amendments, AM5404, found in the Journal on page 1384 for the Forty-Third Day were adopted.

Mr. Baack renewed his pending amendment, AM2221, found in the Journal on page 1367.

The Baack amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Ashford offered the following Chizek amendment:
AM2587

1. Insert the following new sections:

"Sec. 5. That section 64-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

64-102. Any person may apply for a commission authorizing the applicant to act as a notary public anywhere in the State of Nebraska, and thereupon the Governor may, at his or her discretion, issue a commission authorizing such notary public to act as such anywhere in the State of Nebraska. A general commission shall not authorize the holder thereof to act as a notary public anywhere in the State of Nebraska until a bond in the sum of ~~four~~ ten thousand dollars, with an incorporated surety company as surety, has been executed and approved by and filed in the office of the Secretary

of State. Upon the filing of such bond with the Secretary of State and the issuance of such commission, such notary public shall be authorized and empowered to perform any and all the duties of a notary public in any and all the counties in the State of Nebraska. Such bond shall be conditioned for the faithful performance of the duties of such office. Such person so appointed to the office of notary public shall make oath or affirmation, to be endorsed on such bond, and subscribed by him or her before some officer authorized by law to administer oaths, and by him or her certified thereon, that he or she will support the Constitution of the United States and the Constitution of the State of Nebraska, and will faithfully and impartially discharge and perform the duties of the office of notary public.

Sec. 6. That section 64-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

64-103. When any person ~~shall be~~ is appointed to the office of notary public, the Governor shall cause his or her signature or a facsimile thereof to be affixed to the commission and deliver the same to the Secretary of State. Upon the receipt of the commission by the secretary, he or she shall affix thereto the great seal of the state. Upon the filing and approval of the bond, as provided for in section 64-102, the Secretary of State shall mail or deliver the commission to the applicant. The form and format of the commission shall be prescribed by the Secretary of State on behalf of the Governor.

Sec. 7. That section 64-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

64-202. (1) ~~(a)~~ If the notarial act is performed by any of the persons described in ~~paragraphs 1 to 4, inclusive of section 64-201~~ sections 64-201 to 64-204, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank, or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his or her authority ~~is not~~ shall not be required.

(2) ~~(b)~~ If the notarial act is performed by a

person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:

(a) ~~(1)~~ Either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act;

(b) ~~(2)~~ The official seal of the person performing the notarial act is affixed to the document; or

(c) ~~(3)~~ The title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.

(3) ~~(c) If the notarial act is performed by a person other than one described in subsections (a) and (b), there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person and to his authority to perform the notarial act.~~

~~(d) The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine.~~ An apostille in the form prescribed by the Hague Convention of October 5, 1961, shall conclusively establish that the signature of the notarial officer is genuine and that the officer holds the designated office. The Secretary of State or his or her deputy shall be authorized to sign the apostille.

(4) The Secretary of State may authorize the use of computers to maintain necessary records dealing with notaries public in the State of Nebraska.".

2. On page 8, line 14, strike "and"; and in line 15 after the first comma insert "64-102, 64-103, and 64-202,".

3. Renumber the remaining section accordingly.

The Chizek amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Ashford offered the following Chizek amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2594.)

The Chizek amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mrs. Campbell offered the following amendment:
AM2859

1. Insert the following new section:

"Sec. 5. That section 42-357, Revised Statutes Supplement, 1986, be amended to read as follows:

42-357. The court may order either party to pay to the clerk a sum of money for the temporary support and maintenance of the other party and minor children if any are affected by the action and to enable such party to prosecute or defend the action. The court may make such order after service of process and claim for temporary allowances is made in the petition or by motion by the petitioner or by the respondent in a responsive pleading; but no such order shall be entered before three days after notice of hearing has been served on the other party or notice waived. During the pendency of any proceeding under sections 42-347 to 42-379 after the petition is filed, upon application of either party and if the accompanying affidavit of the party or his or her agent shows to the court that the party is entitled thereto, the court may issue ex parte orders (1) restraining any person from transferring, encumbering, hypothecating, concealing, or in any way disposing of real or personal property except in the usual course of business or for the necessaries of life, and the party against whom such order is directed shall upon order of the court account for all unusual expenditures made after such order is served upon him or her, (2) enjoining any party from molesting or disturbing the peace of the other party or any minor children affected by the action, and (3) determining the temporary custody of any minor children of the marriage, 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. Ex parte orders issued pursuant to subdivision (1) of this section shall remain in force for no more than ten days or until a hearing is held thereon, whichever is earlier. After motion, notice to the party, and hearing, the court may order either party excluded from the premises occupied by the other upon a showing that physical or emotional harm would otherwise result. Any restraining order issued excluding either party from the premises occupied by the other shall specifically set forth the location of the premises and shall be served upon the adverse party by the sheriff in the manner prescribed for serving a summons, and a return thereof shall be filed in district court. Any person who knowingly violates such an order after service shall be guilty of a Class IIIA misdemeanor. 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 therefor, the court shall schedule a hearing within seventy-two hours to determine whether the order regarding the minor children shall remain in force. Section 25-1064 shall not apply to the issuance of ex parte orders pursuant to this section, except that in the absence from the county of the district court judge, any judge of the county court may grant a temporary ex parte order in accordance with this section.".

2. On page 8, line 15, after the last comma insert "and section 42-357, Revised Statutes Supplement, 1986,".

3. Renumber the remaining section accordingly.

The Campbell amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 833. E & R amendments, AM5405, found in the Journal on page 1422 for the Forty-Fourth Day were adopted.

Messrs. Lamb and Bernard-Stevens renewed their pending amendment, AM2600, found in the Journal on page 1440.

The Lamb-Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Ms. Scofield renewed her pending amendment, AM2858, found in this day's Journal.

The Scofield 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 295. E & R amendments, AM5407, found in the Journal on page 1517 for the Forty-Seventh Day were adopted.

Mr. Hall renewed his pending amendment found in the Journal on page 1422.

The Hall amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Hall moved to reconsider the vote on the Hall amendment found on page 1422.

The Hall motion to reconsider prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Hall withdrew his pending amendment found in the Journal on page 1422.

Mr. Hall renewed his pending amendment, AM2820, found in the Journal on page 1824.

The Hall amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Messrs. Hall and V. Johnson offered the following amendment:
AM2897

(Amendments to AM2336)

1. Insert the following new section:

"Sec. 21. That section 9-239, Revised Statutes Supplement, 1986, be amended to read as follows:

9-239. ~~(1)~~ The department shall collect a state tax of six percent on the gross receipts received from the conducting of bingo within the state. Such tax shall be paid to the department and credited to the Charitable Gaming Operations Fund. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with any other reports as may be required by the department.

~~(2) Any city or village is hereby directed to impose a tax of four percent on the gross receipts received from the conducting of bingo within such city or village. Where bingo is conducted outside the limits of any incorporated city or village, the county in which such bingo is conducted shall impose a tax of four percent on the gross receipts from the conducting of bingo outside the corporate limits of such city or village. Such tax shall be credited to the general fund of the county, city, or village which issued a permit for the conducting of bingo pursuant to section 9-236. Such tax shall be paid to the clerk of the political subdivision imposing the tax, and the clerk shall transmit the tax to the treasurer of such subdivision. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with such reports as may be required by the political subdivision imposing the tax. The proceeds from the tax shall be used to pay for the costs of regulation and enforcement of the Nebraska Bingo Act.~~".

2. On page 1, line 8, strike beginning with "23" through "34" and insert "24, 25, 29, and 35".

3. On page 6, line 21, strike "23 and 24" and insert "24 and 25"; and in line 23 strike "28" and insert "29".

4. On page 35, line 14, strike "28" and insert "29".

5. On page 47, line 7, after "9-236," insert "9-239,".

6. Renumber remaining sections accordingly.

Mr. Barrett 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. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hall-V. Johnson amendment lost with 15 ayes, 19 nays, 10 present and not voting, and 5 excused and not voting.

Mrs. Johanns asked unanimous consent to be excused. No objections. So ordered.

Messrs. Hall and V. Johnson offered the following amendment:
AM2912

(Amendments to AM2336)

1. Insert the following new section:

"Sec. 21. That section 9-239, Revised Statutes Supplement, 1986, be amended to read as follows:

9-239. ~~(1)~~ The department shall collect a state tax of ~~six~~ ten percent on the gross receipts received from the conducting of bingo within the state. Such tax shall be paid to the department and credited to the Charitable Gaming Operations Fund. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with any other reports as may be required by the department.

~~(2) Any city or village is hereby directed to impose a tax of four percent on the gross receipts received from the conducting of bingo within such city or village. Where bingo is conducted outside the limits of any incorporated city or village, the county in which such bingo is conducted shall impose a tax of four percent on the gross receipts from the conducting of bingo outside the corporate limits of such city or village. Such tax shall be credited to the general fund of the county, city, or village which issued a permit for the conducting of bingo pursuant to section 9-236. Such tax shall be paid to the clerk of the political subdivision imposing the tax, and the clerk shall transmit the tax to the treasurer of such subdivision. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter,~~

~~together with such reports as may be required by the political subdivision imposing the tax. The proceeds from the tax shall be used to pay for the costs of regulation and enforcement of the Nebraska Bingo Act.~~".

2. On page 1, line 8, strike beginning with "23" through "34" and insert "24, 25, 29, and 35".

3. On page 6, line 21, strike "23 and 24" and insert "24 and 25"; and in line 23 strike "28" and insert "29".

4. On page 35, line 14, strike "28" and insert "29".

5. On page 47, line 7, after "9-236," insert "9-239,".

6. Renumber remaining sections accordingly.

Mr. Hall moved for a call of the house. The motion prevailed with 21 ayes, 7 nays, and 21 not voting.

Mr. Hall requested a roll call vote on the Hall-V. Johnson amendment.

Voting in the affirmative, 17:

Baack	Johnson, V.	McFarland	Pirsch	Schmit
Elmer	Korshoj	Miller	Remmers	Weihing
Hall	Labedz	Moore	Rogers	Wesely
Hartnett	Lynch			

Voting in the negative, 22:

Abboud	Beyer	Hefner	Morehead	Smith
Ashford	Coordsen	Johnson, L.	Peterson	Warner
Barrett	Dierks	Johnson, R.	Schellpeper	Wehrbein
Bernard-Stevens	Goodrich	Lamb	Scofield	Withem
	Hannibal	Langford		

Present and not voting, 4:

Campbell	Chambers	Conway	Higgins

Excused and not voting, 6:

Chizek	Johanns	Landis	Marsh	Nelson
Haberman				

The Hall-V. Johnson amendment lost with 17 ayes, 22 nays, 4 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 1110. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 716A in the Journal. No objections. So ordered.

AM2906
1. On page 2, line 2, strike "$3,000" and insert "$1,000".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 294, 987, and 987A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 294

The following changes, required to be reported for publication in the Journal, have been made:
ER0298
1. In lieu of the Landis amendment adopted March 29, 1988, found on page 1859 of the Journal, in the Standing Committee amendments, AM1450, adopted February 22, 1988, sections 1, 2, and 4 and all amendments to such sections have been struck.
2. In the V. Johnson amendments, AM2546, adopted March 29, 1988:
a. On page 2, line 14, both occurrences of "and" have been struck; in lines 14 and 17 "and" has been inserted after "hundred"; and in line 17 "and" has been struck;

b. On page 3, lines 7 and 11, "and" has been inserted after "hundred"; and in line 21 "and" has been inserted after the first "hundred" and "and" has been struck;

c. On page 4, lines 1 and 6, "and" has been inserted after "hundred"; in lines 1 and 12 "and" has been struck; in lines 2, 7, and 13 the first "and" has been struck; and in line 13 "and" has been inserted after the first "hundred"; and

d. On page 6, line 12, "7" has been struck and "6" inserted; in line 16 ", 4," has been struck; in line 17 ", and the remaining sections" has been struck and ". Sections 2 and 4" inserted.

3. In the E & R amendments, AM5341, adopted March 16, 1988, on page 1, the matter beginning with "section" in line 13 through "sections" in line 18 has been struck and "sections 77-2602 and 77-2716.01, Revised Statutes Supplement, 1987; to increase the cigarette tax; to change the standard deduction for individuals for income tax purposes; to provide operative dates; to repeal the original sections; and to declare an emergency" inserted.

4. In the Standing Committee amendments, AM1450, adopted February 22, 1988:

a. The following new section has been inserted:

"Sec. 4. That original section 77-2716.01, Revised Statutes Supplement, 1987, is repealed."; and

b. On page 3, line 7, "The remaining sections of this act shall become operative on their effective date." has been inserted after the period.

Enrollment and Review Change to LB 987

The following changes, required to be reported for publication in the Journal, have been made:
ER0299

1. On page 1, line 12, "and" has been struck and "to provide an operative date;" inserted; and in line 13 "; and to declare an emergency" has been inserted after "sections".

(Signed) Mary E. Sommermeyer
E & R Attorney

ADJOURNMENT

At 8:02 p.m., on a motion by Mr. Schmit, the Legislature adjourned until 8:00 a.m., Thursday, March 31, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - MARCH 31, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 31, 1988

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Charles E. Tyler, St. John's African Methodist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. L. Johnson who was excused; and Messrs. Chambers, Hall, Hartnett, R. Johnson, V. Johnson, Landis, Warner, Mesdames Higgins, Johanns, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fifth Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 426. Introduced by Withem, 14th District; Baack, 47th District.

WHEREAS, a reliable and illuminating education data system is essential to making informed and progressive policy decisions affecting public elementary and secondary education; and

WHEREAS, a fair and relevant policy system of indicators of educational progress is critical for providing public accountability

and objective information for school evaluation and improvement efforts; and

WHEREAS, a balanced system of educational indicators will provide information on education inputs, processes, and outcomes; and

WHEREAS, the Legislature's study of school evaluation found that Nebraska's system of measuring the progress of its public school system is weighted too heavily in measuring input or quantity variables through the school accreditation process and does not adequately measure performance and process variables such as student outcomes and school environment; and

WHEREAS, it has been noted by various national education experts, including Jonathan P. Sher in his recent report on rural schools, that data is not available to compare the quality, effectiveness, and efficiency of Nebraska's public schools; and

WHEREAS, comments of legislators and guest speakers at the Legislative Issues Symposium indicate that the Legislature would benefit by an improved educational data system; and

WHEREAS, the federal Department of Education and Council of Chief State School Officers are currently undertaking efforts to improve the data system measuring the performance of the school system of the states; and

WHEREAS, information from the Education Commission of the States indicates that Nebraska is one of only five states without a statewide student assessment system; and

WHEREAS, continual assessment, evaluation, diagnosis, and improvement are necessary for state and local education policy makers in order to maintain and enhance the quality of the Nebraska school system, educational opportunities of Nebraska students, and the competitiveness of the Nebraska economy; and

WHEREAS, under sections 79-328 and 79-1247.02, the State Board of Education currently has the authority to implement a statewide system of student testing and to request performance data from approved and accredited schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the State Board of Education and the Commissioner of Education are urged to institute planning to improve the educational data system describing the public school system.

2. That the State Board of Education and Commissioner of Education are urged to consider the need for appropriate and fair comparative information on the performance of the schools.

3. That the State Board of Education and Commissioner of Education should consider the findings of the Legislature in the report in Legislative Resolution 181 in the implementation of the performance-based accreditation standards required pursuant to section 79-1247.02.

4. The State Board of Education and Commissioner of Education are urged to implement a statewide system of student assessment measuring the status and progress of the public schools and students in teaching and learning basic and higher order skills and competencies pursuant to authority granted to the board in section 79-328.

5. That the State Board of Education and Commissioner of Education are urged to establish an evaluation and assessment division within the State Department of Education separate from the division of school accreditation and approval.

6. That the State Board of Education and the Commissioner of Education should seriously investigate and consider Nebraska's participation in the National Assessment of Educational Progress (NAEP).

7. That a copy of this resolution be sent to each member of the State Board of Education and the Commissioner of Education.

Laid over.

LEGISLATIVE RESOLUTION 427. Introduced by V. Johnson, 8th District; L. Johnson, 15th District; Hefner, 19th District; Remmers, 1st District; Warner, 25th District; Scofield, 49th District; Labedz, 5th District.

WHEREAS, on March 27, 1986, the Nebraska Legislature adopted LR 384 which authorized the Executive Board of the Legislative Council to appoint a committee to oversee an examination of Nebraska's taxation and spending and the structure and finance of state and local government; and

WHEREAS, the Comprehensive Tax Study Committee, comprised of seven members of the Legislature appointed by the Executive Board, contracted with Syracuse University to conduct an independent and impartial study of all phases of taxation; and

WHEREAS, LR 384 called for study findings and recommendations to be submitted to the committee prior to the commencement of the 1988 regular session of the Legislature; and

WHEREAS, the original contract with Syracuse University has been extended until March 31, 1988, due to circumstances outside of the control of Syracuse University officials; and

WHEREAS, Syracuse University has materially completed the report and submitted the same to the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Comprehensive Tax Study Committee review and analyze the one-thousand-page, sixteen-chapter report submitted by Syracuse University.

2. That the committee report its findings and recommendations to the Legislature prior to the 1989 regular session of the Legislature.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 557.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-102, 71-107, 71-112, and 71-131, Reissue Revised Statutes of Nebraska, 1943, section 33-150, Revised Statutes Supplement, 1986, and sections 71-101, 71-110, 71-113, 71-114, and 71-162, Revised Statutes Supplement, 1987; to state intent; to define terms; to provide for the certification of nutritionists; to create a fund; to create a board; to require fees; to provide continuing education requirements; to provide powers and duties for the Department of Health; to provide a penalty; to harmonize provisions; 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, 30:

Abboud	Chizek	Hannibal	Moore	Schellpeper
Ashford	Conway	Hefner	Morehead	Schmit
Baack	Coordsen	Labedz	Nelson	Smith
Barrett	Elmer	Langford	Pirsch	Wehrbein
Bernard-Stevens	Goodrich	Lynch	Remmers	Weihing
Beyer	Haberman	Marsh	Rogers	Wesely

Voting in the negative, 5:

Dierks	Korshoj	Lamb	McFarland	Miller

Present and not voting, 3:

Campbell	Peterson	Withem

Excused and not voting, 11:

Chambers	Higgins	Johnson, L.	Johnson, V.	Scofield
Hall	Johanns	Johnson, R.	Landis	Warner
Hartnett				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 557A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 557, Ninetieth Legislature, Second Session, 1988; and to provide for the transfer of funds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Chizek	Hefner	McFarland	Schellpeper
Ashford	Conway	Labedz	Miller	Schmit
Baack	Coordsen	Lamb	Moore	Smith
Barrett	Elmer	Landis	Morehead	Wehrbein
Bernard-Stevens	Goodrich	Langford	Nelson	Weihing
	Haberman	Lynch	Pirsch	Wesely
Beyer	Hannibal	Marsh	Remmers	Withem
Campbell				

Voting in the negative, 0.

Present and not voting, 4:

Dierks	Korshoj	Peterson	Rogers

Excused and not voting, 10:

Chambers	Hartnett	Johanns	Johnson, R.	Scofield
Hall	Higgins	Johnson, L.	Johnson, V.	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 229.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Reissue Revised Statutes of Nebraska, 1943; to provide for benefits to certain individuals; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Chambers	Hefner	Miller	Schmit
Ashford	Chizek	Korshoj	Moore	Scofield
Baack	Conway	Labedz	Morehead	Smith
Barrett	Dierks	Landis	Nelson	Wehrbein
Bernard-Stevens	Elmer	Lynch	Remmers	Weihing
	Goodrich	Marsh	Rogers	Wesely
Beyer	Haberman	McFarland	Schellpeper	Withem
Campbell				

Voting in the negative, 1:

Lamb

Present and not voting, 5:

Coordsen	Hannibal	Langford	Peterson	Pirsch

Excused and not voting, 8:

Hall	Higgins	Johnson, L.	Johnson, V.	Warner
Hartnett	Johanns	Johnson, R.		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 229A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 229, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Chizek	Hartnett	McFarland	Schmit
Ashford	Conway	Hefner	Miller	Scofield
Baack	Coordsen	Korshoj	Moore	Smith
Barrett	Dierks	Labedz	Morehead	Wehrbein
Bernard-Stevens	Elmer	Lamb	Nelson	Weihing
	Goodrich	Landis	Remmers	Wesely
Beyer	Haberman	Lynch	Rogers	Withem
Campbell	Hannibal	Marsh	Schellpeper	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Johanns	Langford	Peterson	Pirsch

Excused and not voting, 6:

Hall	Johnson, L.	Johnson, R.	Johnson, V.	Warner
Higgins				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 350.

A BILL FOR AN ACT relating to prescription drugs; to adopt the Mail Service Prescription Drug Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Ashford	Conway	Johanns	McFarland	Rogers
Baack	Coordsen	Korshoj	Miller	Schellpeper
Barrett	Dierks	Labedz	Moore	Schmit
Bernard-Stevens	Elmer	Lamb	Morehead	Smith
Beyer	Goodrich	Landis	Nelson	Wehrbein
Campbell	Haberman	Langford	Peterson	Weihing
Chambers	Hannibal	Lynch	Pirsch	Wesely
Chizek	Hartnett	Marsh	Remmers	Withem
	Hefner			

Voting in the negative, 1:

Abboud

Present and not voting, 1:

Scofield

Excused and not voting, 6:

Hall	Johnson, L.	Johnson, R.	Johnson, V.	Warner
Higgins				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 350A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 350, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Chizek	Hefner	McFarland	Schellpeper
Ashford	Conway	Johanns	Miller	Schmit
Baack	Coordsen	Korshoj	Moore	Scofield
Barrett	Dierks	Labedz	Morehead	Smith
Bernard-Stevens	Elmer	Lamb	Nelson	Wehrbein
Beyer	Goodrich	Landis	Peterson	Weihing
Campbell	Haberman	Langford	Pirsch	Wesely
Chambers	Hannibal	Lynch	Remmers	Withem
	Hartnett	Marsh	Rogers	

Voting in the negative, 0.

Excused and not voting, 6:

Hall	Johnson, L.	Johnson, R.	Johnson, V.	Warner
Higgins				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 551. With Emergency.

A BILL FOR AN ACT relating to school retirement; to amend sections 79-1032, 79-1043, 79-1045, 79-1048, 79-1049, 79-1049.04, and 79-1501, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide credit for prior service for certain members 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, 43:

Abboud	Chizek	Hefner	McFarland	Schellpeper
Ashford	Conway	Johanns	Miller	Schmit
Baack	Coordsen	Korshoj	Moore	Scofield
Barrett	Dierks	Labedz	Morehead	Smith
Bernard-Stevens	Elmer	Lamb	Nelson	Wehrbein
Beyer	Goodrich	Landis	Peterson	Weihing
Campbell	Haberman	Langford	Pirsch	Wesely
Chambers	Hannibal	Lynch	Remmers	Withem
	Hartnett	Marsh	Rogers	

Voting in the negative, 0.

Excused and not voting, 6:

Hall	Johnson, L.	Johnson, R.	Johnson, V.	Warner
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 551A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 551, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Chizek	Hefner	Miller	Schellpeper
Ashford	Conway	Johanns	Moore	Schmit
Baack	Coordsen	Korshoj	Morehead	Scofield
Barrett	Dierks	Labedz	Nelson	Smith
Bernard-Stevens	Elmer	Lamb	Peterson	Wehrbein
	Goodrich	Landis	Pirsch	Weihing
Beyer	Haberman	Lynch	Remmers	Wesely
Campbell	Hannibal	Marsh	Rogers	Withem
Chambers	Hartnett	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 6:

Hall	Johnson, L.	Johnson, R.	Johnson, V.	Warner
Higgins				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 647.

A BILL FOR AN ACT relating to vocational education; to adopt the Vocational Education Program Support Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Chambers	Haberman	Langford	Remmers
Ashford	Chizek	Hefner	Lynch	Rogers
Baack	Conway	Johanns	Marsh	Schellpeper
Barrett	Coordsen	Korshoj	McFarland	Smith
Bernard-Stevens	Dierks	Labedz	Miller	Weihing
Beyer	Elmer	Lamb	Morehead	Wesely
Campbell	Goodrich	Landis	Nelson	Withem

Voting in the negative, 6:

Hannibal	Moore	Peterson	Pirsch	Scofield
Hartnett				

Present and not voting, 2:

Schmit	Wehrbein

Excused and not voting, 6:

Hall	Johnson, L.	Johnson, R.	Johnson, V.	Warner
Higgins				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 647A.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1987, LB 780, section 16, subdivision (4); to appropriate funds to aid in carrying out the provisions of Legislative Bill 647, Ninetieth Legislature, Second Session, 1988; and to repeal the original subdivision.

Whereupon the 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:

Ashford	Chambers	Haberman	Lynch	Schellpeper
Baack	Chizek	Hefner	Marsh	Smith
Barrett	Conway	Johanns	McFarland	Wehrbein
Bernard-Stevens	Coordsen	Korshoj	Miller	Weihing
Beyer	Dierks	Labedz	Nelson	Wesely
Campbell	Elmer	Lamb	Remmers	Withem
	Goodrich	Landis	Rogers	

Voting in the negative, 9:

Abboud	Hartnett	Moore	Pirsch	Warner
Hannibal	Langford	Peterson	Scofield	

Present and not voting, 2:

Morehead Schmit

Excused and not voting, 5:

Hall	Higgins	Johnson, L.	Johnson, R.	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 673.

A BILL FOR AN ACT relating to penal and correctional institutions; to amend sections 83-4,122 and 83-4,123, Reissue Revised Statutes of Nebraska, 1943; to provide for tape recording certain hearings; to provide for 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, 44:

Abboud	Chizek	Hefner	McFarland	Schellpeper
Ashford	Conway	Johanns	Miller	Schmit
Baack	Coordsen	Korshoj	Moore	Scofield
Barrett	Dierks	Labedz	Morehead	Smith
Bernard-Stevens	Elmer	Lamb	Nelson	Warner
	Goodrich	Landis	Peterson	Wehrbein
Beyer	Haberman	Langford	Pirsch	Weihing
Campbell	Hannibal	Lynch	Remmers	Wesely
Chambers	Hartnett	Marsh	Rogers	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Hall	Higgins	Johnson, L.	Johnson, R.	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 673A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 673, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Campbell	Goodrich	Labedz	Miller
Ashford	Chambers	Haberman	Lamb	Moore
Baack	Chizek	Hannibal	Landis	Morehead
Barrett	Conway	Hartnett	Langford	Nelson
Bernard-Stevens	Coordsen	Hefner	Lynch	Peterson
	Dierks	Johanns	Marsh	Pirsch
Beyer	Elmer	Korshoj	McFarland	Remmers

Rogers	Schmit	Smith	Wehrbein	Wesely
Schellpeper	Scofield	Warner	Weihing	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Hall	Higgins	Johnson, L.	Johnson, R.	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 836.

A BILL FOR AN ACT relating to motor carriers; to amend section 66-633, Reissue Revised Statutes of Nebraska, 1943; to adopt the Interstate Motor Carriers Base State Fuel Tax Compact Act; to provide for the use of information as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Korshoj	Moore	Schmit
Ashford	Dierks	Labedz	Morehead	Scofield
Baack	Elmer	Lamb	Nelson	Smith
Barrett	Goodrich	Landis	Peterson	Warner
Beyer	Haberman	Langford	Pirsch	Wehrbein
Campbell	Hannibal	Lynch	Remmers	Weihing
Chambers	Hartnett	Marsh	Rogers	Wesely
Chizek	Hefner	McFarland	Schellpeper	Withem
Conway	Johanns	Miller		

Voting in the negative, 0.

Present and not voting, 1:

Bernard-
Stevens

Excused and not voting, 5:

Hall Higgins Johnson, L. Johnson, R. Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 836A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 836, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Coordsen	Korshoj	Moore	Schmit
Ashford	Dierks	Labedz	Morehead	Scofield
Baack	Elmer	Lamb	Nelson	Smith
Barrett	Goodrich	Landis	Peterson	Warner
Beyer	Haberman	Langford	Pirsch	Wehrbein
Campbell	Hannibal	Lynch	Remmers	Weihing
Chambers	Hartnett	Marsh	Rogers	Wesely
Chizek	Hefner	McFarland	Schellpeper	Withem
Conway	Johanns	Miller		

Voting in the negative, 0.

Present and not voting, 1:

Bernard-
Stevens

Excused and not voting, 5:

Hall Higgins Johnson, L. Johnson, R. Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 846.

A BILL FOR AN ACT relating to community-based programs; to state intent; and to appropriate funds to aid substance abuse and mental health programs.

Whereupon the 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	Coordsen	Korshoj	Miller	Schellpeper
Ashford	Dierks	Labedz	Moore	Schmit
Baack	Elmer	Lamb	Morehead	Scofield
Barrett	Goodrich	Landis	Nelson	Smith
Beyer	Haberman	Langford	Peterson	Warner
Campbell	Hartnett	Lynch	Pirsch	Wehrbein
Chambers	Hefner	Marsh	Remmers	Wesely
Chizek	Johanns	McFarland	Rogers	Withem
Conway				

Voting in the negative, 0.

Present and not voting, 3:

Bernard-Stevens	Hannibal	Weihing

Excused and not voting, 5:

Hall	Higgins	Johnson, L.	Johnson, R.	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 863.

A BILL FOR AN ACT relating to boilers; to amend sections 48-719 and 48-720, Revised Statutes Supplement, 1987; to define a term; to create an advisory board; to provide powers and 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, 41:

Abboud	Coordsen	Korshoj	Miller	Schmit
Ashford	Elmer	Labedz	Moore	Scofield
Baack	Goodrich	Lamb	Morehead	Smith
Barrett	Haberman	Landis	Nelson	Warner
Beyer	Hannibal	Langford	Peterson	Wehrbein
Campbell	Hartnett	Lynch	Remmers	Weihing
Chambers	Hefner	Marsh	Rogers	Wesely
Chizek	Johanns	McFarland	Schellpeper	Withem
Conway				

Voting in the negative, 1:

Pirsch

Present and not voting, 2:

Bernard-Stevens	Dierks

Excused and not voting, 5:

Hall	Higgins	Johnson, L.	Johnson, R.	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 863A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 863, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Chambers	Coordsen	Haberman
Ashford	Beyer	Chizek	Elmer	Hannibal
Baack	Campbell	Conway	Goodrich	Hartnett

Hefner	Langford	Moore	Rogers	Warner
Johanns	Lynch	Morehead	Schellpeper	Wehrbein
Korshoj	Marsh	Nelson	Schmit	Weihing
Labedz	McFarland	Peterson	Scofield	Wesely
Lamb	Miller	Remmers	Smith	Withem
Landis				

Voting in the negative, 0.

Present and not voting, 3:

Bernard-Stevens	Dierks	Pirsch

Excused and not voting, 5:

Hall	Higgins	Johnson, L.	Johnson, R.	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 868 to Select File

Mrs. Smith moved to return LB 868 to Select File for her specific amendment, AM2779, found in the Journal on page 1887.

Mr. Withem requested a ruling of the Chair on whether the Smith amendment is germane to the bill.

The Chair ruled the Smith amendment is not germane to the bill.

MOTION - Suspend Rules

Mrs. Smith and Mr. Withem moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM2779 to LB 868.

The Smith-Withem motion to suspend the rules prevailed with 30 ayes, 5 nays, 10 present and not voting, and 4 excused and not voting.

MOTION - Return LB 868 to Select File

Mrs. Smith moved to return LB 868 to Select File for her specific amendment, AM2779, found in the Journal on page 1887.

The Smith motion to return prevailed with 27 ayes, 4 nays, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 868. The Smith specific amendment, AM2779, found in the Journal on page 1887 was considered.

Mrs. Smith withdrew her pending amendment.

Readvanced to Final Reading.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 868.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Court; to amend sections 48-152 and 48-153, Revised Statutes Supplement, 1986; to provide for an additional judge; and to repeal the original sections.

Whereupon the 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	Coordsen	Johanns	McFarland	Schmit
Ashford	Dierks	Korshoj	Miller	Scofield
Baack	Elmer	Labedz	Moore	Smith
Barrett	Goodrich	Lamb	Morehead	Warner
Beyer	Haberman	Landis	Nelson	Wehrbein
Campbell	Hannibal	Langford	Remmers	Weihing
Chambers	Hartnett	Lynch	Rogers	Wesely
Chizek	Hefner	Marsh	Schellpeper	Withem
Conway	Higgins			

Voting in the negative, 0.

Present and not voting, 3:

Bernard-Stevens	Peterson	Pirsch	

Excused and not voting, 4:

Hall	Johnson, L.	Johnson, R.	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 868A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 868, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Coordsen	Johanns	McFarland	Schmit
Ashford	Dierks	Korshoj	Miller	Scofield
Baack	Elmer	Labedz	Moore	Smith
Barrett	Goodrich	Lamb	Morehead	Warner
Beyer	Haberman	Landis	Nelson	Wehrbein
Campbell	Hannibal	Langford	Remmers	Weihing
Chambers	Hartnett	Lynch	Rogers	Wesely
Chizek	Hefner	Marsh	Schellpeper	Withem
Conway				

Voting in the negative, 0.

Present and not voting, 4:

Bernard-Stevens	Higgins	Peterson	Pirsch

Excused and not voting, 4:

Hall	Johnson, L.	Johnson, R.	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1012. With Emergency.

A BILL FOR AN ACT relating to diseases; to amend sections 71-502, 71-503.01, 71-505, 71-506, 71-1101, 71-1102, 71-1116, 71-1117, 71-1121, and 71-2512, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide for a statewide acquired immunodeficiency syndrome program; to change provisions related to sexually transmitted and other communicable diseases; to provide powers and duties for the Department of Health; to provide penalty and enforcement provisions; to provide duties for state agencies as prescribed; to eliminate penalties; to repeal the Prophylactic Control Act; to harmonize provisions; to repeal the original sections, and also sections 71-1103 to 71-1106, 71-1108 to 71-1110, 71-1112, 71-1114, 71-1115, and 71-1118, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1107 and 71-1111, Revised Statutes Supplement, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Coordsen	Johanns	McFarland	Schellpeper
Ashford	Dierks	Johnson, R.	Miller	Schmit
Baack	Elmer	Korshoj	Moore	Scofield
Barrett	Goodrich	Labedz	Morehead	Smith
Beyer	Haberman	Lamb	Nelson	Warner
Campbell	Hannibal	Landis	Peterson	Wehrbein
Chambers	Hartnett	Langford	Pirsch	Weihing
Chizek	Hefner	Lynch	Remmers	Wesely
Conway	Higgins	Marsh	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Bernard-
Stevens

Excused and not voting, 3:

Hall Johnson, L. 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 1012A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1012, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Coordsen	Johanns	Miller	Schmit
Ashford	Dierks	Johnson, R.	Moore	Scofield
Baack	Elmer	Korshoj	Morehead	Smith
Barrett	Goodrich	Labedz	Nelson	Warner
Beyer	Haberman	Lamb	Peterson	Wehrbein
Campbell	Hannibal	Landis	Pirsch	Weihing
Chambers	Hartnett	Lynch	Remmers	Wesely
Chizek	Hefner	Marsh	Rogers	Withem
Conway	Higgins	McFarland	Schellpeper	

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens Langford

Excused and not voting, 3:

Hall Johnson, L. Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1103.

A BILL FOR AN ACT relating to schools; to amend section 79-321.03, Reissue Revised Statutes of Nebraska, 1943; to include health services in the Program of Student Personnel 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, 39:

Abboud	Coordsen	Johanns	McFarland	Schmit
Ashford	Dierks	Johnson, R.	Miller	Smith
Baack	Elmer	Korshoj	Morehead	Warner
Barrett	Goodrich	Labedz	Nelson	Wehrbein
Beyer	Haberman	Landis	Peterson	Weihing
Campbell	Hartnett	Langford	Remmers	Wesely
Chizek	Hefner	Lynch	Rogers	Withem
Conway	Higgins	Marsh	Schellpeper	

Voting in the negative, 4:

Hannibal	Lamb	Moore	Scofield

Present and not voting, 2:

Bernard-Stevens	Pirsch

Excused and not voting, 4:

Chambers	Hall	Johnson, L.	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1103A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1103, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Conway	Johanns	McFarland	Schellpeper
Ashford	Dierks	Johnson, R.	Miller	Smith
Baack	Elmer	Korshoj	Morehead	Warner
Barrett	Goodrich	Labedz	Nelson	Wehrbein
Beyer	Haberman	Landis	Peterson	Weihing
Campbell	Hartnett	Lynch	Remmers	Wesely
Chizek	Hefner	Marsh	Rogers	Withem

Voting in the negative, 7:

Coordsen	Lamb	Moore	Pirsch	Scofield
Hannibal	Langford			

Present and not voting, 3:

Bernard-Stevens	Higgins	Schmit

Excused and not voting, 4:

Chambers	Hall	Johnson, L.	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1117.

A BILL FOR AN ACT relating to schools; to state intent; to establish the Educational Technology Center; and to provide powers and duties for the center and the state educational technology consortium.

Whereupon the 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	Coordsen	Johanns	McFarland	Schellpeper
Ashford	Dierks	Johnson, R.	Miller	Scofield
Baack	Elmer	Korshoj	Moore	Smith
Barrett	Goodrich	Labedz	Morehead	Warner
Beyer	Haberman	Lamb	Nelson	Wehrbein
Campbell	Hartnett	Landis	Pirsch	Weihing
Chizek	Hefner	Lynch	Remmers	Wesely
Conway	Higgins	Marsh	Rogers	Withem

Voting in the negative, 2:

Hannibal Langford

Present and not voting, 3:

Bernard-Stevens Peterson Schmit

Excused and not voting, 4:

Chambers Hall Johnson, L. Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1117A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1117, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Ashford	Baack	Barrett	Beyer

Campbell	Haberman	Lamb	Morehead	Scofield
Chizek	Hartnett	Landis	Nelson	Smith
Conway	Hefner	Lynch	Pirsch	Warner
Coordsen	Higgins	Marsh	Remmers	Wehrbein
Dierks	Johanns	McFarland	Rogers	Weihing
Elmer	Korshoj	Miller	Schellpeper	Wesely
Goodrich	Labedz	Moore	Schmit	Withem

Voting in the negative, 2:

Hannibal	Langford

Present and not voting, 3:

Bernard-Stevens	Johnson, R.	Peterson

Excused and not voting, 4:

Chambers	Hall	Johnson, L.	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 38. With Emergency.

A BILL FOR AN ACT relating to colleges; to amend sections 79-2650, 79-2650.07, and 85-324, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to tax levies by technical community college area boards; to authorize additional expenditures for Cushing Coliseum at Kearney State College; 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	Campbell	Goodrich	Johanns	Langford
Ashford	Conway	Haberman	Johnson, R.	Lynch
Baack	Coordsen	Hannibal	Labedz	Marsh
Barrett	Dierks	Hartnett	Lamb	McFarland
Beyer	Elmer	Hefner	Landis	Miller

Moore	Remmers	Schmit	Warner	Wesely
Morehead	Rogers	Scofield	Wehrbein	Withem
Nelson	Schellpeper	Smith	Weihing	

Voting in the negative, 4:

Chizek	Higgins	Korshoj	Pirsch

Present and not voting, 2:

Bernard-Stevens	Peterson

Excused and not voting, 4:

Chambers	Hall	Johnson, L.	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.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 764 to Select File

Mr. Wesely moved to return LB 764 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Wesely withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 764. With Emergency.

A BILL FOR AN ACT relating to petroleum overcharges; to amend sections 81-1607, 81-1636, 81-1637, 81-1639, 81-1640, and 81-1641, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the distribution of funds; to change and eliminate report requirements; to eliminate certain guidelines for distribution; to

provide for hearings; to harmonize provisions; 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 with the emergency clause attached?' "

Voting in the affirmative, 30:

Abboud	Conway	Hartnett	Langford	Remmers
Ashford	Coordsen	Hefner	Lynch	Schmit
Baack	Elmer	Johanns	Marsh	Scofield
Barrett	Goodrich	Johnson, R.	Moore	Smith
Beyer	Haberman	Lamb	Peterson	Warner
Campbell	Hannibal	Landis	Pirsch	Weihing

Voting in the negative, 12:

Chizek	Korshoj	Miller	Nelson	Wesely
Dierks	Labedz	Morehead	Schellpeper	Withem
Higgins	McFarland			

Present and not voting, 2:

Bernard-Stevens	Rogers

Excused and not voting, 5:

Chambers	Hall	Johnson, L.	Johnson, V.	Wehrbein

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, 30:

Abboud	Beyer	Haberman	Lamb	Peterson
Ashford	Campbell	Hannibal	Landis	Pirsch
Baack	Conway	Hartnett	Langford	Remmers
Barrett	Coordsen	Hefner	Lynch	Scofield
Bernard-Stevens	Elmer	Johanns	Marsh	Smith
	Goodrich	Johnson, R.	Moore	Warner

Weihing

Voting in the negative, 11:

Chizek	Korshoj	McFarland	Nelson	Wesely
Dierks	Labedz	Miller	Schellpeper	Withem
Higgins				

Present and not voting, 3:

Morehead	Rogers	Schmit

Excused and not voting, 5:

Chambers	Hall	Johnson, L.	Johnson, V.	Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 764A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 764, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Campbell	Hartnett	Lynch	Remmers
Ashford	Conway	Hefner	Marsh	Scofield
Baack	Coordsen	Johanns	McFarland	Smith
Barrett	Elmer	Johnson, R.	Moore	Warner
Bernard-Stevens	Goodrich	Lamb	Peterson	Weihing
	Haberman	Landis	Pirsch	Withem
Beyer	Hannibal	Langford		

Voting in the negative, 8:

Chizek	Korshoj	Nelson	Schellpeper	Wesely
Dierks	Labedz	Rogers		

Present and not voting, 4:

Higgins Miller Morehead Schmit

Excused and not voting, 5:

Chambers Hall Johnson, L. Johnson, V. Wehrbein

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 419 and LB 1170. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 419, 419A, 823, and 1013A.

Correctly Engrossed

The following bill was correctly engrossed: 890.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 823

The following changes, required to be reported for publication in the Journal, have been made:
ER0302

1. In the Moore amendment, AM2851, adopted March 30, 1988:

a. On page 4, line 8, "shall" has been struck, shown as stricken, and "does" inserted; in line 11 an underscored comma has been inserted after "passengers";

b. On page 5, line 4, the comma has been struck and shown as stricken; and in line 19 "community" has been inserted after "nonprofit"; and

c. On page 6, line 7, the period has been struck.

2. On page 7, line 3, "section" has been struck and "subsection" inserted.

Enrollment and Review Change to LB 890

The following changes, required to be reported for publication in the Journal, have been made:
ER0301
1. In the Withem-Nelson amendment, AM2454, adopted March 29, 1988:
a. On page 1, line 20, the comma has been struck and an underscored semicolon inserted; and
b. On page 3, line 8, the comma has been struck.
2. On page 1, the matter beginning with "the" in line 1 through "colleges" in line 2 has been struck and "nursing" inserted; in line 6 "harmonize provisions; and" has been struck and "change provisions relating to an advisory committee; to require a plan as prescribed; to provide severability;" inserted; and in line 7 "; and to declare an emergency" has been inserted after "sections".

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 1073A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 294A. Title read. Considered.

Mr. Hefner offered the following V. Johnson amendment:
AM2871
1. On page 2, line 2, strike "$85,430" and insert "$52,455"; and in line 3 strike "$21,583" and insert "$18,921".

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 21 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.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 395A. Title read. Considered.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

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. Landis asked unanimous consent to print the following amendment to LB 1083 in the Journal. No objections. So ordered.

AM2749

(Amendments to AM2747)

1. On page 2, line 14, after "state" insert "but shall not include any sanitary and improvement district".

ANNOUNCEMENT

Mr. Warner announced the Committee on Appropriations will meet in Executive Session on Tuesday, April 5, 1988, at 8:15 a.m. in Room 1003.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 764.

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1004. Title read. Considered.

Standing Committee amendments, AM1678, found in the Journal on page 458 for the Eleventh Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 700. Title read. Considered.

Standing Committee amendments, AM1548, found in the Journal on page 465 for the Eleventh Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 557, 557A, 229, 229A, 350, 350A, 551, 551A, 647, 647A, 673, 673A, 836, 836A, 846, 863, 863A, 868, 868A, 1012, 1012A, 1103, 1103A, 1117, 1117A, 38, 764, and 764A.

GENERAL FILE

LEGISLATIVE BILL 1039. Title read. Considered.

Standing Committee amendments, AM1705, found in the Journal on page 493 for the Twelfth Day were considered.

Mr. Hefner renewed the pending V. Johnson amendment, AM2208, found in the Journal on page 1045 to the Standing Committee amendments.

The V. Johnson amendment was adopted with 18 ayes, 0 nays, 27 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1039A. Title read. Considered.

Mr. Hefner renewed the pending V. Johnson amendment, AM2209, found in the Journal on page 1045.

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Expedite LB 1039 and LB 1039A

Mr. Hefner asked unanimous consent to expedite LB 1039 and LB 1039A. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 998. Title read. Considered.

Standing Committee amendments, AM1716, found in the Journal on page 555 for the Fifteenth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1092. Mr. Schellpeper withdrew his pending amendment, AM2868, found in the Journal on page 1910.

Mr. Schmit offered the following amendment to the pending Standing Committee amendment:
(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM2917.)

The Schmit amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 295. Mr. Hall offered the following amendment:

Strike the Hall amendment that dealt with time limitation.

The Hall amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Landis offered the following amendment:
AM2838

1. In AM2336:

a. On page 1, line 8, strike "and 34" and insert "33, and 35";

b. On page 34, line 24, strike "not in excess" and show as stricken;

c. On page 35, line 1, strike "of fair market value", show as stricken, and insert "no such lease shall be executed on or after October 1, 1988, in which any rental payments exceed three hundred twenty dollars per bingo occasion";

d. On page 44, strike beginning with "A" in line 9 through line 12;

e. Insert the following new section:

"Sec. 33. (1) Bingo conducted by a licensed organization shall fund itself after its first year of existence and shall not receive money from any other source, including the operation of other charitable gaming activities, for the payment of prizes, taxes, authorized expenses, lawful purpose donations, or any other expense or payment associated with the conduct of bingo, except as provided in subsection (2) of this section.

(2) A licensed organization beginning the conduct of bingo may finance its bingo activities with money from the general fund of the licensed organization during the first year of bingo conducted by the organization. General fund money used to finance the conduct of bingo may be repaid from funds received from the conduct of bingo.

(3) A licensed organization conducting bingo shall make all payments associated with its bingo activities, including taxes, authorized expenses, and lawful purpose donations, but excluding prizes, by a check drawn upon its bingo bank account. A licensed

organization shall not transfer funds from other accounts into its bingo bank account, except as provided in subsection (2) of this section.";

f. Renumber the remaining sections accordingly.

2. Strike the second Hall amendment found on page 1416 of the Journal adopted March 15, 1988.

3. In the E and R amendment, AM5407, strike amendment 2 and renumber the remaining amendments accordingly.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall offered the following amendment to the pending Landis amendment:

Strike paragraph C. of 1. of the Landis amendment renumber the remaining sections

Messrs. Lynch and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud 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. Hall moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Campbell	Hannibal	Labedz	Rogers
Ashford	Chizek	Hartnett	McFarland	Schmit
Baack	Conway	Hefner	Moore	Weihing
Bernard-Stevens	Dierks	Higgins	Pirsch	Withem
	Hall	Johanns	Remmers	

Voting in the negative, 12:

Barrett	Elmer	Marsh	Peterson	Warner
Beyer	Johnson, V.	Morehead	Smith	Wesely
Coordsen	Landis			

Present and not voting, 9:

Chambers	Lamb	Miller	Schellpeper	Wehrbein
Goodrich	Langford	Nelson	Scofield	

Excused and not voting, 5:

Haberman	Johnson, L.	Johnson, R.	Korshoj	Lynch

The Hall amendment lost with 23 ayes, 12 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mesdames Pirsch, Smith, and Mr. McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis withdrew his pending amendment, AM2838.

Messrs. Schellpeper and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Hall and V. Johnson offered the following amendment: AM2919

(Amendments to AM2336)

1. Insert the following new section:

"Sec. 21. That section 9-239, Revised Statutes Supplement, 1986, be amended to read as follows:

9-239. (1) The department shall collect a state tax of six percent on the gross receipts received from the conducting of bingo within the state. Such tax shall be paid to the department and credited to the Charitable Gaming Operations Fund. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with any other reports as may be required by the department.

(2) Any city or village is hereby directed to impose a tax of ~~four~~ two percent on the gross receipts received from the conducting of bingo within such city or village. Where bingo is conducted outside the limits of any incorporated city or village, the county in which such bingo is conducted shall impose a tax of four

percent on the gross receipts from the conducting of bingo outside the corporate limits of such city or village. Such tax shall be credited to the general fund of the county, city, or village which issued a permit for the conducting of bingo pursuant to section 9-236. Such tax shall be paid to the clerk of the political subdivision imposing the tax, and the clerk shall transmit the tax to the treasurer of such subdivision. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with such reports as may be required by the political subdivision imposing the tax. The proceeds from the tax shall be used to pay for the costs of regulation and enforcement of the Nebraska Bingo Act.".

2. On page 1, line 8, strike beginning with "23" through "34" and insert "24, 25, 29, and 35".

3. On page 6, line 21, strike "23 and 24" and insert "24 and 25"; and in line 23 strike "28" and insert "29".

4. On page 35, line 14, strike "28" and insert "29".

5. On page 47, line 7, after "9-236," insert "9-239,".

6. Renumber remaining sections accordingly.

MR. HANNIBAL PRESIDING

Mr. Barrett 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 16 ayes, 0 nays, and 33 not voting.

Mr. V. Johnson requested a roll call vote on the Hall-V. Johnson amendment.

Voting in the affirmative, 18:

Abboud	Bernard-Stevens	Hall	Labedz	Schmit
Ashford	Chizek	Hartnett	Moore	Weihing
Baack	Dierks	Higgins	Remmers	Wesely
		Johnson, V.	Rogers	Withem

Voting in the negative, 20:

Beyer	Hannibal	Lamb	Miller	Scofield
Conway	Hefner	Landis	Morehead	Smith
Elmer	Johanns	Langford	Nelson	Warner
Goodrich	Johnson, R.	Marsh	Peterson	Wehrbein

Present and not voting, 2:

Campbell Chambers

Excused and not voting, 9:

Barrett	Haberman	Korshoj	McFarland	Schellpeper
Coordsen	Johnson, L.	Lynch	Pirsch	

The Hall-V. Johnson amendment lost with 18 ayes, 20 nays, 2 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 295A. E & R amendments, AM5406, found in the Journal on page 1519 for the Forty-Seventh Day were adopted.

Mrs. Morehead moved to indefinitely postpone LB 295A.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 1988, at 11:37 a.m., were the following bills: 557, 557A, 229, 229A, 350, 350A, 551, 551A, 647, 647A, 673, 673A, 836, 836A, 846, 863, 863A, 868, 868A, 1012, 1012A, 1103, 1103A, 1117, 1117A, 38, 764, and 764A.

(Signed) Pam Moravec, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

March 31, 1988

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 377, 391, 1040, 1040A, 1220, 1235, and 1237 were received in my office on March 28, 1988.

These bills were signed by me on March 31, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

SELECT FILE

LEGISLATIVE BILL 1207. E & R amendments, AM5408, found in the Journal on page 1526 for the Forty-Seventh Day were adopted.

Mr. Landis asked unanimous consent to replace his pending amendment, AM2722, found in the Journal on page 1637 with a substitute amendment. No objections. So ordered.

Mr. Landis withdrew his pending amendment, AM2722, found in the Journal on page 1637.

Mr. Landis offered the following substitute amendment:
AM2918

(Amendments to Standing Committee amendments)

1. On page 12, strike lines 2 through 19 and all amendments thereto and insert:

"When a new agricultural land valuation manual is prepared and a change in valuations is proposed, the Tax Commissioner shall hold a series of four meetings to explain the information used to calculate the new values and to take under advisement any information presented at the meetings. The meetings shall be held pursuant to Chapter 84, article 14, except that notice shall be issued as set out in this section. The meetings shall be held in four different locations in this state convenient to the county officials and the residents of the state. The meetings shall be conducted before the Tax Commissioner issues notice pursuant to the Administrative Procedure Act for the adoption and

promulgation of the manual, allowing sufficient time to consider and act upon any information received at any meeting. One of the four meetings shall be designated and conducted as an official meeting of the Agricultural Land Valuation Advisory Board. Notice of the meetings shall be issued to each county assessor and county board of equalization and by news release at least ten days prior to the first meeting in the series. The notice shall state the date, time, and location of the four meetings. The Tax Commissioner shall provide the copy of the proposed agricultural land valuation manual to each county assessor at least twenty-one days prior to the first meeting in the series.".

Messrs. Peterson, Conway, and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

The Landis amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Schmit offered the following amendment:
AM2923

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 77-112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-112. (1) Except as provided in subsection (2) of this section, actual value of property for taxation shall mean and include the value of property for taxation that is ascertained by using the following formula where applicable: (a) Earning capacity of the property; (b) relative location; (c) desirability and functional use; (d) reproduction cost less depreciation; (e) comparison with other properties of known or recognized value; (f) market value in the ordinary course of trade; and (g) existing zoning of the property.

(2) Actual value of real property for taxation shall mean the value of real property for taxation that is ascertained by using the actual or potential earnings history based on rents. ~~The term actual value when applied to agricultural land and horticultural land for~~

~~purposes of taxation shall mean that value determined pursuant to sections 77-1358 to 77-1368.~~

Sec. 2. That original section 77-112, Reissue Revised Statutes of Nebraska, 1943, and also sections 77-1358 to 77-1361, 77-1363, and 77-1366 to 77-1368, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1362, 77-1364, and 77-1365, Revised Statutes Supplement, 1987, are repealed.".

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Landis moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, and 22 not voting.

The Chair declared the call raised.

Mr. Schmit withdrew his pending amendment.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1207A. E & R amendment, AM5409, found in the Journal on page 1526 for the Forty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE RESOLUTION 265CA. E & R amendments, AM5410, found in the Journal on page 1526 for the Forty-Seventh Day were adopted.

Mr. Wesely withdrew his pending amendment, AM2639, found in the Journal on page 1841.

Mr. Ashford withdrew his pending amendment, AM2886, found in the Journal on page 1908.

SPEAKER BARRETT PRESIDING

Passed over.

LEGISLATIVE BILL 855. E & R amendments, AM5412, found in the Journal on page 1542 for the Forty-Eighth Day were adopted.

Mr. Ashford offered the following amendment:
AM2889

1. Strike the Haberman amendment found on page 1502 of the Journal and adopted March 17, 1988.
2. In AM5412, on page 1, strike beginning with "in" in line 5 through the semicolon in line 6; in line 7 after the semicolon insert "and"; and strike beginning with "in" in line 8 through line 10.

Messrs. Korshoj and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

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

The motion to cease debate prevailed with 26 ayes, 0 nays, and 23 not voting.

The Ashford amendment was adopted with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2893

(Amendments to AM5425)

1. On page 26, line 16, strike "Have" and insert "Be a volunteer fire department or an organization devoted solely to the operation of youth

amateur athletics or have".

2. On page 32, line 7, strike "three" and insert "seven".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 352.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 352
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0297

1. For purposes of correlation with section 3, LB 550, in the Landis-Wesely amendment, AM2825, adopted March 29, 1988:

a. Section 92 has been struck and the following new section inserted:

"Sec. 92. That section 53-134, Revised Statutes Supplement, 1986, as amended by section 3, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988, be amended to read as follows:

53-134. The local governing body of any city or village with respect to licenses within its corporate limits and the local governing body of any county with respect to licenses not within the corporate limits of any city or village shall have the following powers, functions, and duties with respect to retail and bottle club licenses: (1) To cancel, ~~or~~ revoke, or suspend for cause retail or bottle club licenses to sell or dispense alcoholic liquors issued to persons for premises within its jurisdiction, subject to the right of appeal; ~~to the commission;~~ (2) to enter or to authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act to determine whether any of the provisions of the act or any rules or regulations adopted and promulgated by it or by the commission have been or are being violated, and at such time to examine the premises of such licensee in connection therewith; (3) to receive a signed complaint from any citizen within its jurisdiction that any of the provisions of the act or any rules or regulations adopted and promulgated pursuant thereto have been or are being violated and to act upon such complaints in the manner provided in this

section; (4) to receive retail or bottle club license fees as provided in subdivision (5) or (9) of section 53-124, and pay the same forthwith, after the applicant has been delivered his or her retail or bottle club license, to the city or village, or county treasurer, as the case may be; (5) to examine or cause to be examined any applicant or any retail or bottle club licensee upon whom notice of cancellation or revocation has been served in the manner provided in this section, to examine or cause to be examined the books and records of any such applicant or licensee, and to hear testimony and to take proof for its information in the performance of its duties. For the purpose of obtaining any of the information desired, the local governing body may authorize its agent or attorney to act on its behalf; (6) to cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in section 53-1,116, it determines that the licensee has violated any of the provisions of the act or any valid and subsisting ordinance, rule, or regulation duly enacted relating to alcoholic liquors. Such order of cancellation or revocation shall be subject to appeal ~~to the commission as other orders or actions of the local governing body~~ as provided in section 53-1,116; and (7) upon receipt from the commission of the notice and copy of application as provided in section 53-131, the local governing body shall fix a time and place at which a hearing will be had and at which such local governing body will receive evidence, either orally or by affidavit, from the applicant and any other person, bearing upon the propriety of the issuance of such license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in such city, village, or county, as the case may be, one time not less than seven nor more than fourteen days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the local governing body in support of or protest against the issuance of such license may do so at the time of the hearing. Such hearing shall be held not more than thirty-five days after the date of receipt of the notice from the commission. At the hearing, the considerations of the local governing body shall include, but not be limited to, (a) the adequacy of existing law enforcement and the recommendation of law enforcement agencies in the area, (b) existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises, (c) zoning restrictions, (d) the sanitation or sanitary conditions on or about the proposed licensed premises, (e) the existence of a citizens' protest and any other evidence in support of or opposition to the application, (f) the existing population of the city, village, or county, as the case may be, its projected growth, the existence of licenses in such city, village, or county, and the class of

such licenses, (g) the nature of the neighborhood or community where the proposed licensed premises are located, (h) whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest, and (i) any licensing standards enacted by such local governing body pursuant to section 53-134.01. After such hearing, the local governing body shall cause to be spread at large in the minute record of its proceedings a resolution recommending ~~either~~ the issuance, ~~or refusal of~~ the denial, or the renewal of such license or the refusal to issue, deny, or renew such license. The clerk of such city, village, or county shall thereupon mail to the commission by first-class mail postage prepaid a copy of the resolution which shall state the cost of the published notice, except that failure to comply herewith shall not render void any license issued by the commission. In the event the commission refuses to issue such a license, the cost of publication of notice as ~~herein~~ required in this section shall be paid by the commission from the security for costs.";

b. On page 14, line 19, the first "and" and ", 53-134," have been struck; in line 20 "and section 53-134, Revised Statutes Supplement, 1986, as amended by section 3, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988," has been inserted after the last comma; and the matter beginning with the second "3" in line 22 through the semicolon in line 23 has been struck and "4, strike 'and'; in line 7 after '1987' insert ', and section 53-134, Revised Statutes Supplement, 1986, as amended by section 3, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988'" inserted.

2. In the Landis-Wesely amendment, AM2825, adopted March 29, 1988:

a. On page 9, the matter beginning with "in" in line 20 through "located" in line 22 has been struck and shown as stricken;

b. On page 10, line 12, the comma has been struck;

c. On page 11, the matter beginning with "and" in line 3 through the comma in line 4 has been struck and the old matter shown as stricken; and in line 5 "and the making of a request" has been inserted after "section";

d. On page 12, lines 10 and 18, "transcripts" has been struck, shown as stricken, and "record" inserted; and in line 19 "as provided for in subdivision (5)(b) of this section" has been inserted after "petition".

e. On page 13, line 12, "a" has been struck and "the" inserted; in line 17 "transcript" has been struck and "record" inserted; and the matter beginning with "in" in line 18 through the comma in line 19 has been struck;

f. On page 14, line 2, "transcripts" has been struck and "record" inserted; and in line 17 "188" has been struck and "189" inserted; and

g. On page 15, line 2, "187, and" has been struck; and in line 3 ", and 189" has been inserted after "188".

3. On page 1, line 1, "appeal" has been struck and "administrative" inserted.

4. On page 3, line 9, "and provisions relating to liquor licenses" has been inserted after "courts".

5. On page 37, line 19, "persons," has been struck and shown as stricken; and in line 20 "who" has been struck, shown as stricken, and "which" inserted.

6. On page 178, line 20, the comma has been struck; and in line 21 the comma has been struck and shown as stricken.

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE RESOLUTION 249CA. Messrs. R. Johnson and Wehrbein renewed their pending amendment, AM2863, found in the Journal on page 1879.

The R. Johnson-Wehrbein amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mrs. Higgins, Messrs. Hannibal, and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. V. Johnson requested a machine vote on the advancement of the bill.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Engrossment with 26 ayes, 6 nays, 10 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1226. E & R amendments, AM5420, found in the Journal on page 1640 for the Fiftieth Day were adopted.

Messrs. Chambers and Landis renewed their pending amendment found in the Journal on page 1912.

The Chambers-Landis amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Abboud moved to indefinitely postpone LB 1226.

Mr. Hefner 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, 0 nays, and 24 not voting.

The Abboud motion to indefinitely postpone lost with 3 ayes, 18 nays, 23 present and not voting, and 5 excused and not voting.

Mr. Lamb requested a record vote on the advancement of the bill.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mr. Abboud requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Ashford	Chambers	Higgins	Marsh	Rogers
Baack	Chizek	Johanns	Miller	Schmit
Bernard-Stevens	Conway	Johnson, V.	Moore	Weihing
	Elmer	Labedz	Nelson	Wesely
Beyer	Hall	Landis	Remmers	Withem
Campbell	Hartnett	Lynch		

Voting in the negative, 17:

Abboud	Hannibal	Lamb	Pirsch	Smith
Barrett	Hefner	Langford	Schellpeper	Warner
Coordsen	Johnson, R.	Peterson	Scofield	Wehrbein
Goodrich	Korshoj			

Present and not voting, 2:

Dierks	McFarland

Excused and not voting, 3:

Haberman Johnson, L. Morehead

Advanced to E & R for Engrossment with 27 ayes, 17 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 899. E & R amendments, AM5424, printed separate from the Journal and referred to on page 1765 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 766. E & R amendments, AM5422, found in the Journal on page 1765 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 766A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1221. E & R amendment, AM5423, found in the Journal on page 1765 for the Fifty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1221A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 1233. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 858. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and Landis asked unanimous consent to print the following amendment to LB 716 in the Journal. No objections. So ordered.

AM2916

(Amendments to AM5432)

1. On page 16, line 17, after the period insert "Any person who willfully and knowingly hires or pays another or receives payment from another in money, goods, or other benefit as renumeration for circulating

a petition, except for the payment of lawful expenses, shall be guilty of a Class IV felony.".

Mrs. Labedz asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

AM2883

(Amendments to AM5425)

1. On page 51, line 1, strike "sixteen" and insert "twelve".

Mr. Hall asked unanimous consent to print the following amendment to LB 1232 in the Journal. No objections. So ordered.

To amend LB 1232, AM5425, on page 57, line 3 after the period insert:
"Nothing in this section shall prohibit the licensed organization from donating or having an agreement to donate net profits to an organization which would be eligible to obtain a pickle card organizational license under Section 9-326."

Mr. Hall asked unanimous consent to print the following amendment to LB 1178 in the Journal. No objections. So ordered.

AM2874

(Amendments to AM5426)

1. Insert the following new section:

"Sec. 13. That section 39-6,191, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,191. The owner or operator of a motor vehicle shall not be liable for any damages to any passenger or person related to such owner or operator as spouse or within the second degree of consanguinity or affinity who is riding in such motor vehicle as a guest or by invitation and not for hire, unless such damage is caused by (1) the driver of such motor vehicle being under the influence of intoxicating liquor, or (2) the gross negligence of the owner or operator in the operation of such motor vehicle. For the purpose of this section, the term guest ~~is hereby defined as being~~ shall mean a person who accepts a ride in any motor vehicle without giving compensation therefor, but shall not be construed to apply to or include any such

passenger in a motor vehicle being demonstrated to such passenger as a prospective purchaser. Relationship by consanguinity or affinity within the second degree shall include parents, grandparents, children, grandchildren, and brothers and sisters. Should the marriage of the driver or owner be terminated by death or dissolution, the affinial relationship with the blood kindred of his or her spouse shall be deemed to continue.

There shall be a rebuttable presumption, that in all actions brought to recover damages for fault resulting in the death of or injuries to a person or to his or her property which arise out of an accident which occurs at the intersection of railroad lines and any highway where automatic railroad grade crossing protection devices are in proper working order, that the operator of such motor vehicle was grossly negligent if the operator failed to obey such warning.".

2. On page 12, line 5, strike "section 39-619" and insert "sections 39-619 and 39-6,191".

3. Renumber remaining sections accordingly.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 518A. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 30, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Erickson & Sederstrom
Thone, Charles - Lincoln, L & B Corporation
Hunter, David - Lincoln, Lincoln Independent Business Association

UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 884 in the Journal. No objections. So ordered.

AM2636

1. Insert the following new section:
"Sec. 3. This act shall become operative on April 15, 1988.".
2. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 760. Placed on General File as amended. (Standing Committee amendment on file in the Clerk's Office - Room 2018 - AM2890.)

LEGISLATIVE BILL 1070. Placed on General File as amended. Standing Committee amendment to LB 1070:
AM2891

1. Strike the original sections and insert the following new sections:
"Section 1. That section 71-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
71-503. (1) All attending physicians shall report to the official local health department or the Department of Health promptly, upon the discovery thereof, the existence of any contagious or infectious diseases and such other disease, illness, or poisoning as the Department of Health may from time to time specify. Any attending physician, knowing of the existence of any such disease, illness, or poisoning, who fails promptly to report the same in accordance with this section, shall be deemed guilty of a Class V misdemeanor for each offense.
(2) The Department of Health shall redesign the Nebraska Emergency Medical Service Patient Encounter Form to include the name of the first responder's personal physician or medical director, the nature of the first responder's exposure, and identification of assistance provided by any other first responder. The first responder shall complete such form at the time of delivery of services. A copy of such form shall be

given by the first responder to the first responder's personal physician or medical director and to the hospital where the patient was admitted. The hospital shall then be responsible for maintaining such form for at least one year. If during that period the hospital becomes aware that the patient has been reported as having a disease, illness, or poisoning required to be reported under subsection (1) of this section, any Nebraska Emergency Medical Service Patient Encounter Form affecting the patient shall be sent by the hospital to the Department of Health, together with such other information as may be lawfully required. Upon receipt of such form from the hospital, the Department of Health shall verify that the patient has been reported as having a disease, illness, or poisoning pursuant to subsection (1) of this section and the Department of Health shall notify the first responder's personal physician or medical director, if reported on the form, of the patient's diagnosis.

(3) For purposes of this section: (a) First responder shall include any certified emergency medical technician-A, certified advanced emergency medical technician-I, certified advanced emergency medical technician-II, certified emergency medical technician-D, sheriff, deputy sheriff, police officer, state highway patrol officer, firefighter, lifeguard, game warden, or fire marshal; and (b) certified emergency medical technician-A shall mean a pre-hospital emergency care provider trained and certified to that level of basic life support prescribed in subdivision (2) of section 71-5109 and for such other skills as determined by the Department of Health.

(4) All units, groups, or persons subject to this section shall adopt written procedures regarding communicable diseases which address preexposure safeguards and postexposure risk reduction methods.

Sec. 2. Nothing in section 71-503 shall be construed to give rise to any civil cause of action if the disclosure required by such section is accomplished in a nonnegligent manner.

Sec. 3. Any person violating subsection (2) of section 71-503 shall be guilty of a Class II misdemeanor. The county attorney of the county where the violation occurred shall be responsible for

enforcement of section 3 of this act.

Sec. 4. That original section 71-503, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 1087. Placed on General File as amended. (Standing Committee amendment on file in the Clerk's Office - Room 2018 - AM2894.)

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were 19 seventh grade students and teacher from Emerson Hubbard School; 18 kindergarten through sixth grade students and teacher from District 5, Wood River; ninth grade students and teacher from Osceola; 8 members of the Explorer Post #592, Douglas County; 33 eighth grade students and teacher from Bennington; 45 fourth grade students and teacher from Lincoln Elementary School, Plattsmouth; Jim Barr; Lue Jensen and Pat Vinton from Chadron; Larry Stetz from St. Edward; 19 kindergarten through sixth grade students and teachers from District 152, Lincoln; Greg, Sandy, Justine, and Randall Brummond from Craig; Senator Moore's aunt, Judy Rierson from Lexington, Illinois; and 40 fourth grade students and teacher from Oakland-Craig School, Oakland.

ADJOURNMENT

At 3:13 p.m., on a motion by Mr. Warner, the Legislature adjourned until 9:00 a.m., Tuesday, April 5, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 5, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 5, 1988

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Dr. Joe Scahill, First United Methodist Church, Fremont, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Dierks who was excused; and Messrs. Abboud, R. Johnson, Warner, Mesdames Higgins, and 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

LEGISLATIVE BILL 1073A. Placed on Select File.
LEGISLATIVE BILL 294A. Placed on Select File.
LEGISLATIVE BILL 395A. Placed on Select File.

LEGISLATIVE BILL 1004. Placed on Select File as amended.
E & R amendments to LB 1004:
AM5436
1 1. In the Standing Committee amendments,

AM1678, on page 1, line 10, after "bus" insert an underscored comma and strike the last comma.

2. On page 1, line 6, strike "nonresident trucks and buses" and insert "certain nonresident vehicles"; and in lines 7 to 8 strike "commercial vehicles" and insert "certain nonresident vehicles".

3. On page 4, line 22, strike the second comma and show as stricken; and in line 23 after "provinces" insert an underscored comma.

4. On page 7, lines 8 to 9 and 12, strike "this act", show as stricken, and insert "sections 60-301, 60-305.03, 60-305.09, and 60-305.10"; and in line 10 strike "this act", show as stricken, and insert "such sections".

5. On page 8, line 16, strike the comma and show as stricken.

6. On page 10, line 19, after the period insert "Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

7. On page 11, line 3, strike "hereunder", show as stricken, and insert "under this section".

8. On page 12, line 16, strike "state" and show as stricken; and in line 23 strike "this act", show as stricken, and insert "sections 60-301, 60-305.03, 60-305.09, and 60-305.10".

9. On page 14, line 2, strike "this act", show as stricken, and insert "sections 60-301, 60-305.03, 60-305.09, and 60-305.10".

LEGISLATIVE BILL 700. Placed on Select File as amended.
E & R amendments to LB 700:
AM5437

1. In the Standing Committee amendments, AM1548:

a. On page 5, line 1, after "date" insert an underscored comma; and

b. On page 7, line 10, strike the first "or" and show as stricken.

2. On page 1, strike beginning with "sections" in line 3 through "provisions" in line 12 and insert "section 44-2403, Reissue Revised Statutes of Nebraska, 1943, and section 44-2406, Revised Statutes Supplement, 1986; to redefine terms; to change a

provision relating to the determination of claims".

LEGISLATIVE BILL 1039. Placed on Select File as amended.
E & R amendment to LB 1039:
AM5435

1. On page 1, line 2, after the second comma insert "66-412, 66-428, 66-429,"; in line 3 strike "and" and after the first comma insert "and 66-610.03,"; in line 6 strike "certain" and insert "dealers'"; in line 7 after the first semicolon insert "to change provisions relating to the liability for motor vehicle fuel taxes; to change provisions relating to the amount of motor vehicle fuel taxes; to change provisions relating to the payment and report of motor vehicle fuel taxes; to provide for use of certain trust funds;" in line 8 strike "and" and insert "to provide an operative date;" and in line 9 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 1039A. Placed on Select File.

LEGISLATIVE BILL 998. Placed on Select File as amended.
E & R amendments to LB 998:
AM5439

1. Insert the following new sections:

"Section 1. That section 44-710.18, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-710.18. Except as provided in section ~~44-3609~~ 44-3608, every individual sickness and accident policy hereinafter issued, except single premium nonrenewable policies, shall have printed on its face or attached thereto a notice stating in substance that the person to whom the policy is issued shall be permitted to return the policy within ten days of its delivery to the purchaser and to have the premium paid refunded if, after examination of the policy, the purchaser is not satisfied with it for any reason. If a policyholder or a purchaser pursuant to such notice, returns the policy to the insurer at its home office or branch office or to the agent or agency through which it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

Sec. 12. That section 44-3611, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-3611. Sections 44-3601 to 44-3611 shall be known and may be cited as the Medicare Supplement ~~and Sickness and Accident~~ Insurance Minimum Standards Act.

Sec. 13. That section 44-4503, Revised Statutes Supplement, 1987, be amended to read as follows:

44-4503. The Long-Term-Care Insurance Act shall apply to policies delivered or issued for delivery in this state on or after May 30, 1987, and shall not supersede the obligation of entities subject to the act to comply with the provisions of Chapter 44 insofar as such provisions do not conflict with the Long-Term-Care Insurance Act, except that the Medicare Supplement ~~and Sickness and Accident~~ Insurance Minimum Standards Act shall not apply to long-term-care insurance. A policy which is not advertised, marketed, or offered as long-term-care insurance shall not be required to meet the requirements of the Long-Term-Care Insurance Act.".

2. On page 1, line 1, strike "and"; in line 2 strike "Sickness and Accident"; in line 3 after "sections" insert "44-710.18," and after "44-3601" insert a comma; in line 4 strike "44-3610" and insert "44-3611"; in line 5 strike "and"; in line 6 after "1986" insert ", and section 44-4503, Revised Statutes Supplement, 1987; to rename the act" and after "to" insert "define and"; and in line 12 strike "to provide an" and insert "to eliminate certain provisions of the act; to harmonize provisions".

3. On page 2, line 1, strike "operative date".

4. On page 13, line 24, after "but" insert "shall".

5. On page 18, strike beginning with "and" in line 17 through "policies" in line 18.

6. On page 21, lines 1 and 13, strike the comma.

7. On page 26, line 1, strike "44-3601" and insert "44-710.18, 44-3601,"; in line 2 strike "44-3610" and insert "44-3611"; in line 3 strike "and"; and in line 4 after the second comma insert "and section 44-4503, Revised Statutes Supplement, 1987,".

8. Renumber the remaining sections

accordingly.

LEGISLATIVE BILL 1092. Placed on Select File as amended.
E & R amendments to LB 1092:
AM5438

1. In the Schmit amendments, AM2917, adopted on March 31, 1988:

a. On page 4, strike beginning with "area" in line 17 through "located" in line 18 and insert "proposed site area"; and strike beginning with "area" in line 20 through "located" in line 21 and insert "selected site area";

b. On page 5, line 23, after "officer" insert "of each municipality";

c. On page 6, line 10, after "members" insert an underscored comma; and in line 11 after "Governor" insert an underscored comma;

d. On page 9, line 20, strike "Any", show as stricken, and insert "Except as provided in subsections (3) and (4) of section 81-15,101.01, any"; and in lines 23 to 24 strike the new matter; and

e. On page 10, line 6, strike "the" and insert "its"; and in line 14 after "waste" insert an underscored comma.

2. On page 1, line 2, strike "and" and insert ", 81-1579,"; in line 3 after the first comma insert "and 81-15,104,"; strike beginning with the third "to" in line 4 through the semicolon in line 7 and insert "to provide facility site selection procedures as prescribed; to provide duties for the developer; to create local monitoring committees; to provide duties for the committees; to create funds; to provide fees;"; and strike beginning with "to" in line 10 through line 13 and insert "to provide for compensation for loss of property value as prescribed; to provide for strict liability in tort; to restrict acceptance of applications as prescribed; to repeal the original sections; and to declare an emergency.".

Correctly Engrossed

The following bills and resolution were correctly engrossed: 90, 295, 518, 518A, 703, 766, 766A, 833, 835, 855, 858, 899, 940, 940A, 1030,

1073, 1089, 1110, 1143, 1143A, 1207, 1207A, 1221, 1221A, 1226, 1233, and LR 249CA.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 295

The following changes, required to be reported for publication in the Journal, have been made:
ER0309

1. In lieu of the Hall amendment found on page 1975 of the Journal, adopted on March 31, 1988, in the E & R amendments, AM5407, amendment 2 has been struck and the remaining amendments renumbered and the second Hall amendment found on page 1416 of the Journal, adopted March 15, 1988, has been struck.

Enrollment and Review Change to LB 703

The following changes, required to be reported for publication in the Journal, have been made:
ER0306

1. In the Remmers amendment, AM2517, adopted on March 30, 1988:

a. On page 1, line 9, "a" has been inserted after "by" and the first "a" has been struck;

b. On page 3, line 19, the second "a" has been struck;

c. On page 4, line 17, after "state" an underscored comma has been inserted; and in line 18 after "interest" an underscored comma has been inserted;

d. On page 5, line 13, "a" has been inserted after "by"; in line 14 the first "a" has been struck; in line 21 the second "a" has been struck; in line 23 "a" has been inserted before "surety"; and in line 24 "to" has been struck and shown as stricken;

e. On page 6, line 18, an underscored comma has been inserted after "state"; in line 20 "the" has been inserted after "by"; and in line 23 "the" has been struck; and

f. On page 7, line 11, "and" has been struck and shown as stricken; and in line 12 the comma has been reinstated.

2. In the Landis amendment, AM2510, adopted March 30, 1988, on page 1, line 2, the comma has been struck.

3. In the E and R amendments, AM5398, on page 1, line 5, "to authorize depository banks to pledge or grant security interests in certain assets, bonds, and securities as prescribed; to harmonize

provisions;" has been inserted after the first semicolon and "section" has been struck and "sections" inserted.

4. On page 1, line 1, "sections 77-2318.01, 77-2320, and 77-2326.04 to 77-2326.08, Reissue Revised Statutes of Nebraska, 1943, and" has been inserted after "amend".

Enrollment and Review Change to LB 766

The following changes, required to be reported for publication in the Journal, have been made:
ER0313

1. In the Standing Committee amendment, AM1561, amendment 1 has been struck and the remaining amendments renumbered.

2. On page 2, line 1, "Sections 1 to 7 of this" has been struck and "This" inserted.

3. On page 7, line 8, "the" has been struck.

4. On page 8, line 22, "and promulgated" has been inserted after "adopted".

5. On page 12, line 13, "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 899

The following changes, required to be reported for publication in the Journal, have been made:
ER0314

1. In the Standing Committee amendments, AM2079, adopted March 22, 1988:

a. On page 11, line 10, "the" has been struck; and

b. On page 19, line 3, "is" has been struck and "shall be" inserted.

2. In the E & R amendments, AM5424, adopted March 31, 1988:

a. On page 7, line 10, "whose" has been struck and "the" inserted and "of which" has been inserted after "parameters"; and

b. On page 14, the matter beginning with "19" in line 19 through "line" in line 20 has been struck.

3. On page 10, line 17, "whose" has been struck, shown as as stricken, and "the" inserted and "of which" has been inserted after "facilities".

4. On page 39, line 11, the colon has been struck and "A" has been struck and "a" inserted; and in lines 13 and 15 the semicolon has been struck and an underscored comma inserted.

Enrollment and Review Change to LB 1030

The following changes, required to be reported for publication in the Journal, have been made:
ER0312

1. In the Campbell amendment, AM2859, adopted March 30, 1988, amendment 2 has been struck and amendment 3 renumbered as amendment 2.

2. In the Chizek amendment, AM2594, adopted March 30, 1988:

a. On page 1, line 21; page 2, line 16; page 5, line 22; page 8, line 22; page 11, line 15; page 15, line 5; and page 27, lines 10 and 11, the stricken comma has been reinstated;

b. On page 2, line 9, "or" has been inserted before "more";

c. On page 4, line 8, the second comma has been reinstated;

d. On page 5, line 5, an underscored comma has been inserted after "police";

e. On page 5, line 23; page 6, line 14; page 8, line 22; and page 11, line 15, the underscored comma has been struck;

f. On page 6, line 1; page 8, line 20; page 10, line 18; page 17, line 14; page 18, lines 2 and 7; page 20, line 24; page 25, line 21; page 26, lines 4 and 19; and page 28, line 3, the comma has been struck and shown as stricken;

g. Sections 6 and 7 have been renumbered as sections 7 and 6, respectively;

h. On page 7, lines 14 to 15, "and he or she is" has been struck, the old matter shown as stricken, and ", shall be" inserted;

i. On page 10, line 20, the third comma has been struck and shown as stricken;

j. On page 12, line 19, the third comma has been reinstated;

k. On page 13, line 18, "or" has been struck, shown as stricken, and an underscored comma inserted; in line 20 the first "or" has been struck and shown as stricken; and in line 21 an underscored comma has been inserted after "substance";

l. On page 15, line 3, "and" has been struck and shown as stricken;

m. On page 19, line 21, "such" has been struck;

n. On age 27, line 4, the semicolon has been struck and shown as stricken; and in line 24 "or" has been struck, shown as stricken, and an underscored comma inserted;

o. On page 29, line 8; and page 31, line 2, "any" has been struck and shown as stricken;

p. On page 29, line 16, the first "any" has been struck and shown as stricken;

q. On page 37, line 18, the comma has been struck and shown as stricken and an underscored comma has been inserted before "if"; and in line 19 an underscored comma has been inserted after "village"; and

r. On page 39, line 7, ", 32-465," has been struck and "to" inserted; in line 9 "64-102, 64-103, 64-202," has been inserted after the third comma; in line 10 "and" has been struck; in line 11 "and" has been struck and "and 42-357," inserted before "Revised"; and in line 12 "section 23-1801" has been struck and "sections 23-1801 and 33-117" inserted.

3. In the E&R amendment, AM5404, adopted March 30, 1988, amendment 2 has been struck and the remaining amendments renumbered accordingly.

4. On page 1, the matter beginning with "garnishment" in line 1 through line 10 has been struck and "official acts and proceedings; to amend sections 11-119, 14-606, 16-323, 17-118, 23-1705, 23-1802, 23-1803, 23-1811, 24-595, 24-5,100, 24-5,101, 25-1011, 25-1012.01, 25-1031.02, 25-1056, 25-1230, 25-1232, 28-927, 28-1305, 29-205, 29-401, 29-406, 29-407, 29-413, 29-2403, 29-2701, 29-2815, 32-464 to 32-466, 33-136, 37-603, 37-606, 37-609, 37-913, 39-683, 49-801, 53-197, 54-705, 60-109, 64-102, 64-103, 64-202, 75-334, 79-453, and 83-1011, Reissue Revised Statutes of Nebraska, 1943, sections 15-326, 32-1221, 39-6,104, and 42-357, Revised Statutes Supplement, 1986, and sections 23-1801 and 33-117, Revised Statutes Supplement, 1987; to eliminate certain powers of constables; to change provisions relating to garnishment proceedings; to provide for continuing liens as prescribed; to change and provide fees; to provide powers for county judges as prescribed; to change provisions relating to notaries public; to harmonize provisions; to repeal the original sections, and also section 29-204, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency." inserted.

5. On page 8, line 10, "this" has been struck; in line 11 "(4) of this section" has been inserted after "subsection"; and in line 13 "attachment" has been struck and "assignment" inserted.

Enrollment and Review Change to LB 1073

The following changes, required to be reported for publication in the Journal, have been made:
ER0303

1. In the Chizek-Wesely amendment, AM2466, adopted March 29, 1988:

a. Subdivisions (2) and (3) of section 71-6301 have been renumbered as subdivisions (6) and (7), respectively, and have been moved to page 3, line 7, and subdivisions (4) to (7) have been renumbered as (2) to (5);

b. On page 2, line 12, "an" has been inserted after "mean"; and in line 16 "or" has been struck;

c. On page 3, line 5, "structures" has been struck and "a structure" inserted; in line 6 "structures" has been struck and "structure" inserted and "have" has been struck and "has" inserted; in line 11 "an" has been inserted after "in", "projects," has been struck and "project" inserted, and "those" has been struck; in line 12 "entities" has been struck and "an entity" inserted, "a" has been inserted after "as", and "planners" has been struck and "planner" inserted; and in line 13 "designers" has been struck and "designer" inserted;

d. On page 5, line 14, "by the department" has been inserted after "certified";

e. On page 6, line 5, the comma has been struck and shown as stricken;

f. On page 7, lines 9 to 10, 12 to 13, 18 to 19, and 23 to 24, "an asbestos" has been struck and "a" inserted; and in lines 16 and 22 "asbestos" has been struck;

g. On page 9, line 17, after the second "dollars" insert "for";

h. On page 10, line 12, "72-1137 to 72-1169" has been struck and "72-1237 to 72-1269" inserted;

i. On page 11, line 6, "general" has been inserted after "the" and "health" has been struck;

j. On page 12, line 15, ", safety," has been inserted after "health";

k. On page 13, line 2, "and" has been struck, shown as stricken, and an underscored comma inserted and an underscored comma has been inserted after "address"; and in line 5 "shall" has been struck and "will" inserted;

l. On page 17, line 19, "the" has been struck and "all classes of" inserted; and in line 20 "of" has been struck;

m. On page 18, line 22, "pass" has been struck and "passed" inserted;

n. On page 19, line 20; and page 36, line 13, "Part" has been struck;

o. On page 20, line 1, "which shall be" has been inserted before "approved" and "which" has been struck; in line 4 "those" has been struck and "a" inserted and "designers and" has been struck and "designer or" inserted; in line 5 "planners who do" has been struck and "planner who does" inserted; in line 7 "Applicants" has been struck and "An applicant" inserted; in line 8 "need not" has been struck and "shall not be required to" inserted; in line 9 "Such holders of" has been struck and "A holder of a" inserted; in line 10 "certificates" has been struck and "certificate" inserted; in line 13 "issued to such persons" has been struck; and in line 15 "12 of this act" has been struck and "71-6314" inserted;

p. On page 25, line 6, the first comma has been struck; in line 8 "it is so" has been struck and "a hearing is"; in line 12 an underscored comma has been inserted after "evidence"; in line 14 "for" has been struck and "forth" inserted; and in line 19 "to the district court" has been struck and ", and the appeal shall be in accordance with the Administrative Procedure Act" inserted;

q. On page 29, lines 9 and 15, the comma has been struck;

r. On page 31, line 10, an underscored comma has been inserted after "department";

s. On page 32, line 19, "and" has been inserted after the second comma; in line 22 "and" has been inserted after the comma; and in line 23 the comma has been struck;

t. On page 34, line 2, "9 of this act" has been struck and "71-6310" inserted; in lines 8 and 11 "licenses or certificates" has been struck and "license or certificate" inserted; in line 10 "a" has been inserted after "that";

u. On page 35, line 1, "those" has been struck and "a" inserted; in line 2 "designers and" has been struck and "designer or" inserted and "planners who do" has been struck and "planner who does" inserted; in line 4 "Such" has been struck and "A" inserted; in line 5 "holders" has been struck and "holder" inserted; in line 7 "issued to such" has been struck; in line 8 "persons" has been struck; in line 10 "12 of this act" has been struck and "71-6314" inserted; in line 15 "Applicants for a" has been struck and "An applicant for a provisional" inserted; in line 16 "they have" has been struck and "he or she has" inserted; in line 19 "applicants need not" has been struck and "applicant shall not be required to" inserted; in line 20 "they are" has been struck and "he or she is" inserted; and in line 23 "license" has been struck and "licensure" inserted; and

v. On page 36, lines 3, 8, and 17, "education" has been struck and "educational" inserted; in line 5 the last comma has been struck; and in line 6 "section" has been struck.

2. In the E & R amendments, AM5369, adopted March 29, 1988, on page 1, line 6, "to define terms;" has been struck.

3. In the Standing Committee amendments, AM1846, adopted March 1, 1988, on page 1, line 16, "and 3" has been struck and "to 4" inserted.

4. On page 1, line 1, "section" has been struck and "sections 71-6301 to 71-6307, 71-6309, 71-6310, 71-6312 to 71-6314, and" inserted; in line 3 "to name an act; to define and redefine terms; to change provisions relating to asbestos projects conducted by exempt organizations; to provide fees; to create and eliminate funds; to change certain license qualifications; to change provisions relating to applications for licenses and waivers; to change a provision relating

to the length of time records are required to be kept; to change provisions relating to waiver of licenses; to change penalties; to change procedures relating to disciplinary actions; to provide continuing education requirements; to provide for certification of asbestos personnel as prescribed; to provide duties for the Department of Health; to provide rules and regulations;" has been inserted after the semicolon; in line 6 "to eliminate disciplinary actions procedures; to harmonize provisions;" has been inserted after the semicolon; and in line 7 the first "section" has been struck and "sections" inserted and the second "section" has been struck and "sections 71-6308 and" inserted.

Enrollment and Review Change to LB 1089

The following changes, required to be reported for publication in the Journal, have been made:
ER0311

1. In the Morehead amendment, AM2796, adopted March 30, 1988:

a. On page 1, line 10; page 4, lines 1 and 3; and page 6, line 19, the first comma has been struck and shown as stricken; and

b. On page 4, line 22, "hereinafter" has been struck and shown as stricken and "in this section" has been inserted after "specified".

2. In the Morehead amendment, AM2325, adopted March 30, 1988:

a. On page 1, line 7, a comma has been inserted after "beer";

b. On page 3, line 20, the second comma has been struck and shown as stricken; and in line 21 "rules and" has been inserted after "by";

c. On page 4, line 1, the comma has been struck; in lines 19 and 20 "license" has been inserted before the comma; and in line 19 "a" has been inserted after the comma;

d. On page 5, line 8, "where" has been struck, shown as stricken, and "when" inserted;

e. On page 6, line 24; and page 7, lines 10 and 13, the comma has been struck and shown as stricken;

f. On page 7, line 14, the first comma has been struck and shown as stricken;

g. On page 9, line 11, "Whoever" has been struck, shown as stricken, and "Any person who" inserted; in line 14 the second "or" has been struck and shown as stricken; and in line 16 "whoever" has been struck, shown as stricken, and "who" inserted;

h. On page 12, lines 1 and 16, the comma has been struck and shown as stricken;

i. On page 13, line 5, an underscored comma has been inserted after "53-124";

j. On page 14, line 22, the first comma has been struck and shown as stricken;

k. Because of the amendment of section 53-133 by section 2, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988, section 15 has been struck;

l. On page 21, line 5, the second "to the" has been struck and shown as stricken; in line 12 the comma has been struck and shown as stricken;

m. On page 25, line 24, the comma has been struck and shown as stricken;

n. On page 29, line 1; and page 30, line 24, the comma has been struck and shown as stricken;

o. On page 32, line 23, an underscored comma has been inserted after the first "commission";

p. On page 33, line 24, the second "the" has been struck and "a" inserted;

q. On page 36, the matter beginning with "(7)" in line 19 through the period in line 23 has been struck and the old matter shown as stricken; and

r. On page 37, line 3, "(8)" has been struck and "(7)" inserted.

3. On page 1, lines 2 through 13 and all amendments thereto have been struck and "to amend sections 53-101, 53-114, 53-115, 53-117, 53-122, 53-123.04, 53-129, 53-135, 53-138.01, 53-138.02, 53-140, 53-144, 53-159, 53-174, 53-175, and 53-188, Reissue Revised Statutes of Nebraska, 1943, sections 53-123, 53-123.12, 53-124, 53-132, 53-160, 53-164.01, 53-169, 53-171, and 53-1,116, Revised Statutes Supplement, 1986, section 53-103, Revised Statutes Supplement, 1987, section 53-131, Revised Statutes Supplement, 1986, as amended by section 1, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988, and section 53-134, Revised Statutes Supplement, 1986, as amended by section 3, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988; to define and redefine terms; to require operators of brewpubs to be licensed as prescribed; to provide fees; to change provisions relating to the Nebraska Liquor Control Commission; to change how often an election may be held; to eliminate certain bond and security requirements; to change the time for making certain recommendations; to change certain licensing and appeal procedures; to require reports; to change provisions relating to the payment of certain taxes and the holding of certain licenses; to eliminate provisions relating to alcoholic content; to harmonize provisions; to provide operative dates; and to repeal the original sections." inserted.

4. Original section 21 and all amendments thereto have been struck and the following new section inserted:

"Sec. 32. That original sections 53-101, 53-114, 53-115, 53-117, 53-122, 53-123.04, 53-129, 53-135, 53-138.01, 53-138.02, 53-140, 53-144, 53-159, 53-174, 53-175, and 53-188, Reissue Revised Statutes of Nebraska, 1943, sections 53-123, 53-123.12, 53-124, 53-132, 53-160, 53-169, 53-171, and 53-1,116, Revised Statutes Supplement, 1986, section 53-103, Revised Statutes Supplement, 1987, section 53-131, Revised Statutes Supplement, 1986, as amended by section 1, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988, and section 53-134, Revised Statutes Supplement, 1986, as amended by section 3, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988 are repealed.".

Enrollment and Review Change to LB 1110

The following changes, required to be reported for publication in the Journal, have been made:
ER0308

1. In the Chizek amendment, AM2797, adopted March 30, 1988, on page 2, lines 15 and 17, "a" has been struck and "the" inserted.

2. In the Standing Committee amendments, AM1908, adopted March 8, 1988:

a. On page 2, line 18, the second "or" has been struck and "of" inserted; and in line 22 "This" has been struck and "Sections 1 to 23 of this" inserted;

b. On page 3, line 20, "(a)" has been struck and "(1)" inserted; and in line 23 "(b)" has been struck and "(2)" inserted;

c. On page 4, line 3, "(c)" has been struck and "(3)" inserted; and

d. On page 6, line 1, "in" has been struck and "an" inserted.

3. In the E & R amendment, AM5394, on page 1, line 12, "of" has been inserted after "delivery".

4. On page 1, line 1, after the semicolon "to amend section 21-2035, Revised Statutes Supplement, 1987;" has been inserted; in line 3 after the semicolon "to change provisions relating to duties and liability of directors as prescribed;" has been inserted; and in line 4 "the original section, and also" has been inserted after "repeal".

Enrollment and Review Change to LB 1143

The following changes, required to be reported for publication in the Journal, have been made:
ER0305

1. In the Ashford-Hall amendment, AM2832, adopted March 30, 1988:

a. On page 2, line 5, a comma has been inserted after "16" and the period has been struck and a colon inserted;

b. On page 3, line 10, "line 1" has been struck and "lines 1 and 24" inserted; in line 11 "lines 7, 9, 11, 16, and 21" has been struck and "line 7" inserted; and in line 14 "; and in lines 9, 11, 16, and 21 strike 'this act' and insert 'such sections'" has been inserted before the period; and

c. The following new amendment has been inserted:

"4. Renumber the remaining section accordingly.".

2. On page 1, line 6, "and" has been struck and "; to authorize the Department of Economic Development to convey or lease certain real estate as prescribed; and to declare an emergency" has been inserted before the period.

Enrollment and Review Change to LB 1226

The following changes, required to be reported for publication in the Journal, have been made:
ER0310

1. On page 1, line 4, "treated as university employees" has been struck and "paid a stipend as prescribed" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGES FROM THE GOVERNOR

March 31, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 160 was received in my office on March 25, 1988.

This bill was signed by me on March 31, 1988, and delivered to the Secretary of State.

Sincerely,

(Signed) KAY A. ORR
Governor

March 31, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1136 was received in my office on March 25, 1988.

This bill was signed by me on March 31, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

REPORT

Received audit reports from the Auditor of Public Accounts for the following: Nebraska Technical Community College Areas; Uniform Commercial Code Filing Council; Secretary of State; Department of Administrative Services, Letters-of-Credit; Nebraska State Historical Society; Nebraska Department of Roads; Department of Economic Development; Nebraska Game and Parks Commission; Department of Water Resources; Department of Motor Vehicles; and Department of Revenue.

RESOLUTION

LEGISLATIVE RESOLUTION 425. Read. Considered.

LR 425 was adopted with 27 ayes, 0 nays, and 22 not voting.

WITHDRAW - Amendment to LB 305

Messrs. Lamb and Bernard-Stevens withdrew their pending amendment, AM2552, found in the Journal on page 1387 to LB 305.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 305.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-110, 60-112, 60-113, and 77-1238, Reissue Revised Statutes of Nebraska, 1943, sections 60-106 and 60-115, Revised Statutes Supplement, 1986, and sections 60-111, .60-315, and 77-1240.03, Revised Statutes Supplement, 1987; to change provisions relating to application for certificates of title and notations of liens on such certificates as prescribed; to provide powers and duties for the Department of Motor Vehicles as prescribed; to change a time period for claiming a credit or refund of certain fees and taxes; to redefine a term; to harmonize provisions; to eliminate provisions relating to the taxation of certain fleet vehicles; to provide an operative date; and to repeal the original sections, and also sections 77-1241, 77-1241.02 to 77-1241.04, and 77-1241.06 to 77-1241.08, 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:

Ashford	Conway	Johanns	Marsh	Rogers
Baack	Coordsen	Johnson, L.	McFarland	Schellpeper
Barrett	Elmer	Johnson, R.	Miller	Scofield
Bernard-Stevens	Goodrich	Johnson, V.	Moore	Smith
	Haberman	Korshoj	Morehead	Warner
Beyer	Hall	Lamb	Nelson	Wehrbein
Campbell	Hannibal	Landis	Peterson	Weihing
Chambers	Hartnett	Langford	Pirsch	Wesely
Chizek	Hefner	Lynch	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 4:

Abboud Dierks Higgins Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 305A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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:

Ashford	Conway	Johnson, L.	Marsh	Rogers
Baack	Coordsen	Johnson, R.	McFarland	Schellpeper
Barrett	Elmer	Johnson, V.	Miller	Scofield
Bernard-Stevens	Goodrich	Korshoj	Moore	Smith
	Haberman	Labedz	Morehead	Warner
Beyer	Hall	Lamb	Nelson	Wehrbein
Campbell	Hartnett	Landis	Peterson	Weihing
Chambers	Hefner	Langford	Pirsch	Wesely
Chizek	Johanns	Lynch	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Hannibal Schmit

Excused and not voting, 3:

Abboud Dierks Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 445 to Select File

Mr. Schmit moved to return LB 445 to Select File for the following specific amendment:

AM2276

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Water Quality Monitoring Act.

Sec. 2. The Legislature finds that the degradation of surface and ground water is a serious threat to the health, safety, and well-being of the citizens of the state and that contamination and pollution of such water, once discovered, pose a significant financial burden upon those individuals, communities, and governmental entities that are required to take remedial action, often irregardless of fault. In order to identify and address water quality problems as early as possible, it is declared to be the policy of the state that the Department of Environmental Control, in consultation with the natural resources districts and other appropriate state agencies, governmental subdivisions, and private organizations, develop and recommend to the Legislature by October 30, 1988, a comprehensive program of water quality monitoring that is reasonable and attainable. The program shall be carried out by the natural resources districts in cooperation with any other state and local entities, both public and private, as the department deems appropriate.

Sec. 3. In developing the comprehensive program required by section 2 of this act, the Department of Environmental Control shall:

(1) Identify state water quality goals;

(2) Develop a strategy for achieving such goals;

(3) Conduct public hearings on such goals and strategies;

(4) Provide that all sampling be done by the local natural resources districts;

(5) Provide that all testing of water samples be done by the state or a laboratory certified by the state at no cost to the natural resources districts; and

(6) Include such other provisions as the director deems necessary to achieve the purposes of the Water Quality Monitoring Act, including, but not limited to, any recommendations for further legislative or

administrative action.".

2. On page 1, strike beginning with "chemigation" in line 1 through "section" in line 5 and insert "water; to adopt the Water Quality Monitoring Act".

The Schmit motion to return prevailed with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 445. The Schmit specific amendment, AM2276, found in this day's Journal was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

WITHDRAW - Amendments to LB 664

Messrs. Moore, Baack, and Miller withdrew their pending amendment, AM2438, found in the Journal on page 1310 to LB 664.

Mr. Miller withdrew his pending amendment, AM2579, found in the Journal on page 1425 to LB 664.

Messrs. Schmit, Miller, Remmers, and R. Johnson withdrew their pending amendment, AM2821, found in the Journal on page 1866 to LB 664.

MOTION - Return LB 664 to Select File

Messrs. Schmit, Miller, Remmers, and R. Johnson moved to return LB 664 to Select File for the following specific amendment:
AM2933

(Amendments to Final Reading copy)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Farm Mediation Act.

Sec. 2. As used in the Farm Mediation Act, unless the context otherwise requires:

(1) Administrator shall mean the Department of Agriculture or any other appropriate state agency

designated by the Governor;

(2) Borrower shall mean an individual, corporation, trust, cooperative, joint venture, or any other entity entitled to contract who is engaged in farming or ranching, who derives more than fifty percent of his or her gross income from farming or ranching, and who holds an agricultural loan;

(3) Creditor shall mean any individual, organization, cooperative, partnership, trust, or state or federally chartered corporation to whom an agricultural loan is owed;

(4) Farm mediation service shall mean an entity with which the administrator contracts to conduct mediation and related services pursuant to the act;

(5) Mediation shall mean a process by which creditors and borrowers present, discuss, and explore practical and realistic alternatives to the resolution of a borrower's debts; and

(6) Mediator shall mean anyone responsible for and engaged in the performance of mediation pursuant to the act.

Sec. 3. The administrator shall serve as the farm mediation program coordinator and shall be responsible for placing into effect and implementing the Farm Mediation Act.

Sec. 4. (1) Borrowers involved in mediation under the Farm Mediation Act shall be offered assistance, at no cost to borrowers, in the analysis of their business and personal financial situation. The administrator shall contract with one or more eligible persons to provide such assistance. A person shall be eligible to contract to provide services pursuant to this subsection if he or she has staff trained and experienced in farm and ranch financial analysis, is familiar with the unique aspects of production agriculture, is able to work effectively with borrowers and creditors, and demonstrates an ability to assist each borrower in developing alternatives and to evaluate such alternatives for potential viability.

(2) The administrator shall provide any available information regarding legal assistance programs for borrowers and may contract with one or more eligible persons to provide such assistance. A person shall be eligible to contract to provide services

pursuant to this subsection if such assistance is provided by attorneys who are qualified in agricultural credit problems of borrowers.

(3) The administrator shall contract with one or more eligible persons to provide farm mediation services pursuant to the Farm Mediation Act. A person shall be eligible to contract to provide farm mediation services if he or she is qualified or provides agricultural credit mediation training of mediators to a level of expertise specified by the administrator and ensures that all mediation sessions are confidential.

(4) Any person contracting with the administrator to provide services pursuant to this section shall demonstrate an ability to perform high quality service for the least cost within the time limits established by the administrator.

(5) The contract or contracts entered into pursuant to this section may be terminated by either party upon written notice. Any person awarded a contract shall be designated as the contractor for the service area of the state set forth in such contract for the duration of the contract.

Sec. 5. After receiving a mediation request, the farm mediation service shall advise the borrower that financial and legal preparation assistance may be available. The farm mediation service shall provide any other available information regarding assistance programs to farmers.

Sec. 6. The administrator shall adopt and promulgate rules and regulations setting appropriate fee guidelines for the services provided under the Farm Mediation Act, which fees shall not exceed actual costs and shall be borne equally by all parties, and setting forth any procedures or requirements necessary to implement the act. Such rules and regulations shall provide that such fees shall be collected by the farm mediation service and retained by the farm mediation service to offset its costs and that the farm mediation service may require payment of such fees or a portion thereof prior to a mediation meeting.

Sec. 7. (1) At least thirty days prior to the initiation of a proceeding on an agricultural debt in excess of forty thousand dollars, a creditor, except as provided in subsection (2) or (3) of this section, shall

provide written notice directly to the borrower of the availability of mediation and the address and telephone number of the farm mediation service in the service area of the borrower.

(2) Subsection (1) of this section shall not apply to creditors subject to the federal Agricultural Credit Act of 1987 if such act and the rules and regulations adopted and promulgated thereunder require otherwise.

(3) Subsection (1) of this section shall not apply if a court of competent jurisdiction determines that the time delay required would cause the creditor to suffer irreparable harm because there are reasonable grounds to believe the borrower may dissipate or divert collateral.

Sec. 8. Any borrower or creditor may request mediation of any indebtedness incurred in relation to an agricultural loan by applying to the farm mediation service. The farm mediation service shall notify all the parties and, upon their consent, schedule a meeting with a mediator. The borrower and any creditor shall not be required to attend any mediation meetings under this section, and failure to attend any mediation meetings or to participate in mediation under this section shall not affect the rights of a borrower or creditor in any manner. Participation in mediation under this section shall not be a prerequisite or a bar to the institution of or prosecution of legal proceedings by the borrower or the creditor.

Sec. 9. Within twenty days after receiving a mediation request under section 8 of this act, the farm mediation service shall send a mediation meeting notice to all the consenting parties setting a time and place for an initial mediation meeting between the borrower, the creditor or creditors, and a mediator associated with the farm mediation service. Adequate preparation by all parties shall be advised by the farm mediation service prior to the mediation meeting. An initial mediation meeting shall be held within twenty days of the issuance of the notice.

Sec. 10. The farm mediation service shall conduct and conclude a mediation meeting during the mediation period which extends for sixty days after the farm mediation service receives the mediation request.

If all parties consent, mediation may continue after the end of the mediation period. If any party elects not to participate in mediation, the farm mediation service shall so notify all parties.

Sec. 11. If an agreement is reached between the borrower and the creditor or creditors, the mediator may (1) draft a written mediation agreement encompassing the agreement, (2) have it signed by the borrower and the creditor or creditors, and (3) file the agreement with the farm mediation service. The borrower and any creditor who is a party to the mediation agreement may enforce the agreement as a legal contract.

Sec. 12. (1) At the initial mediation meeting and any subsequent meetings, the mediator associated with the farm mediation service shall:

(a) Listen to the borrower and any creditor desiring to be heard;

(b) Attempt to mediate between the borrower and creditor or creditors;

(c) Allow for exploration of legitimate and fair interests of the borrower and creditor or creditors; and

(d) Advise the borrower and the creditor or creditors as to the existence of any available assistance programs including financial preparation and legal assistance.

(2) All data regarding the finances of borrowers and creditors which is created, collected, and maintained by the farm mediation service shall not be public records and shall be held in strict confidence by the farm mediation service and all parties to the mediation. If all parties consent to disclosure, such information may be disclosed pursuant to the terms of the consent.

(3) No mediation shall commence until the mediator shall make a statement to the effect of language contained in subsection (2) of this section. At the end of a mediation session, the mediator shall obtain a signed statement by all parties to the mediation agreeing to abide by the requirements of this section.

Sec. 13. The farm mediation service shall make an extensive effort to educate borrowers and creditors on the mediation process and availability of

farm mediation services.

Sec. 14. Except as otherwise provided in the Farm Mediation Act, nothing in the act shall be applicable to or shall affect any legal proceedings filed by a borrower or creditor.

Sec. 15. The farm mediation service shall maintain complete statistical records of program participation and costs and make them available upon request.

Sec. 16. This act shall terminate on March 1, 1992, unless extended by action of the Legislature.

Sec. 17. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. On page 1, line 2, after the second semicolon insert "and"; and strike beginning with the semicolon in line 3 through "emergency" in line 4.

The Schmit et al. motion to return prevailed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 664. The Schmit et al. specific amendment, AM2933, found in this day's Journal was adopted with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 664A to Select File

Mr. Schmit offered the Baack-Miller-Moore motion to return LB 664A to Select File for their pending amendment, AM2439, found in the Journal on page 1312.

The motion to return prevailed with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 664A. The Baack-Miller-Moore specific amendment, AM2439, found in the Journal on page 1312 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.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Chambers asked unanimous consent to have his name withdrawn as co-introducer to LB 664. No objections. So ordered.

MOTION - Return LB 1105 to Select File

Messrs. Hannibal, Hall, V. Johnson, Wesely, Lamb, and Mrs. Labedz moved to return LB 1105 to Select File for their specific amendment, AM2339, found in the Journal on page 1568.

Mr. Miller requested a division of the question on the Hannibal et al. amendment.

Mr. Hannibal requested a ruling of the Chair on whether the amendment is divisible at this stage of debate.

The Chair ruled the specific amendment can be divided prior to the vote to return the bill to Select File for a specific amendment.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The Chair ruled that based upon legislative precedent, a specific amendment could not be divided either prior to or following a motion to return the bill to Select File, and that his previous ruling is reversed.

The Hannibal et al. motion to return LB 1105 to Select File for their specific amendment, AM2339, found in the Journal on page 1568, was renewed.

Mr. Abboud 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 Hannibal et al. motion to return prevailed with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1105. The Hannibal et al. specific amendment, AM2339, found in the Journal on page 1568 was considered.

Mr. Wesely 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. Hannibal requested a roll call vote on the Hannibal et al. amendment.

Voting in the affirmative, 22:

Abboud	Chizek	Hannibal	Lamb	Pirsch
Ashford	Conway	Johnson, L.	Landis	Remmers
Baack	Elmer	Johnson, V.	McFarland	Schmit
Beyer	Haberman	Labedz	Moore	Wesely
Chambers	Hall			

Voting in the negative, 23:

Bernard-Stevens	Hartnett	Korshoj	Nelson	Warner
	Hefner	Langford	Rogers	Wehrbein
Campbell	Higgins	Lynch	Schellpeper	Weihing
Coordsen	Johanns	Marsh	Scofield	Withem
Goodrich	Johnson, R.	Miller	Smith	

Present and not voting, 3:

Barrett	Morehead	Peterson

Excused and not voting, 1:

Dierks

The Hannibal et al. amendment lost with 22 ayes, 23 nays, 3 present and not voting, and 1 excused and not voting.

Readvanced to Final Reading.

MOTION - Return LB 1105 to Select File

Messrs. Hall and Chambers moved to return LB 1105 to Select File for the following specific amendment:

1. On page 1, line 4, strike "and" and after the second comma insert "and 77-3523,"; and in line 8 after the semicolon insert "to change a provision relating to reimbursement for lost revenue;".

3. On page 3, strike line 18 and insert:

"0 through 10,100	100
10,101 through 10,350	80
10,351 through 10,600	60
10,601 through 10,850	40
10,851 through 11,100	20".

4. On page 5, line 11, strike "10,400" and insert "10,100"; and after line 11 insert:

"10,101 through 10,350	80
10,351 through 10,600	60
10,601 through 10,850	40
10,851 through 11,100	20".

5. On page 8, line 10, strike "and" and after the last comma insert "and 77-3523,".

6. Renumber the remaining sections accordingly.

SPEAKER BARRETT PRESIDING

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. Hall requested a record vote on the Hall-Chambers motion to return.

Voting in the affirmative, 13:

Ashford	Chizek	Higgins	McFarland	Remmers
Beyer	Goodrich	Labedz	Pirsch	Withem
Chambers	Hall	Lynch		

Voting in the negative, 28:

Abboud	Bernard-Stevens	Elmer	Johnson, R.	Langford
Baack	Campbell	Hannibal	Korshoj	Marsh
Barrett	Coordsen	Hefner	Lamb	Miller
		Johnson, L.	Landis	Moore

Morehead	Peterson	Schmit	Smith	Wehrbein
Nelson	Schellpeper	Scofield	Warner	Wesely

Present and not voting, 7:

Conway	Hartnett	Johnson, V.	Rogers	Weihing
Haberman	Johanns			

Excused and not voting, 1:

Dierks

The Hall-Chambers motion to return lost with 13 ayes, 28 nays, 7 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1105.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3507, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3504, 77-3508, 77-3511, and 77-3514, Revised Statutes Supplement, 1987; to change a definition as prescribed; to change the percentage of certain homestead exemptions; to change provisions relating to claiming the exemption; 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, 47:

Abboud	Chizek	Hefner	Langford	Pirsch
Ashford	Conway	Higgins	Lynch	Remmers
Baack	Coordsen	Johnson, L.	Marsh	Rogers
Barrett	Elmer	Johnson, R.	McFarland	Schellpeper
Bernard-Stevens	Goodrich	Johnson, V.	Miller	Schmit
	Haberman	Korshoj	Moore	Scofield
Beyer	Hall	Labedz	Morehead	Smith
Campbell	Hannibal	Lamb	Nelson	Warner
Chambers	Hartnett	Landis	Peterson	Wehrbein

Weihing Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Johanns

Excused and not voting, 1:

Dierks

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 1105A

Mr. Hannibal withdrew his pending amendment, AM2652, found in the Journal on page 1570 to LB 1105A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1105A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1105, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Chambers	Hannibal	Labedz	Moore
Ashford	Chizek	Hartnett	Lamb	Morehead
Baack	Conway	Hefner	Landis	Nelson
Barrett	Coordsen	Higgins	Langford	Peterson
Bernard-Stevens	Elmer	Johnson, L.	Lynch	Pirsch
	Goodrich	Johnson, R.	Marsh	Remmers
Beyer	Haberman	Johnson, V.	McFarland	Rogers
Campbell	Hall	Korshoj	Miller	Schellpeper

Schmit	Smith	Wehrbein	Wesely	Withem
Scofield	Warner			

Voting in the negative, 0.

Present and not voting, 2:

Johanns Weihing

Excused and not voting, 1:

Dierks

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1165.

A BILL FOR AN ACT relating to railroad property; to amend sections 77-619 and 77-620, Reissue Revised Statutes of Nebraska, 1943; to provide for the return of notice to the county clerks in the event an injunction is granted; to change a provision relating to certification of actual value; and to repeal the original sections.

Whereupon the 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	Conway	Johnson, L.	McFarland	Schellpeper
Ashford	Coordsen	Johnson, R.	Miller	Schmit
Baack	Elmer	Johnson, V.	Moore	Scofield
Barrett	Goodrich	Korshoj	Morehead	Smith
Bernard-Stevens	Haberman	Labedz	Nelson	Warner
	Hall	Lamb	Peterson	Wehrbein
Beyer	Hannibal	Landis	Pirsch	Weihing
Campbell	Hartnett	Langford	Remmers	Wesely
Chambers	Hefner	Lynch	Rogers	Withem
Chizek	Johanns	Marsh		

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 1:

Dierks

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 1174

Mr. V. Johnson withdrew his pending amendment, AM2418, found in the Journal on page 1271, to LB 1174.

MOTION - Return LB 1174 to Select File

Mr. V. Johnson moved to return LB 1174 to Select File for the following specific amendment:
On page 2, line 14, after "volunteers" add "or constituents"
On page 3, line 2, after "officeholder" add "and his or her staff"

Mrs. Higgins and Mr. R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely 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 V. Johnson motion to return prevailed with 26 ayes, 5 nays, 16 present and not voting, and 2 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 88029
April 4, 1988

Dear Senator Hall:

This is in reply to your letter requesting an Opinion from this office concerning the constitutionality of the requirement in LB 1232 that charitable organizations be in existence for at least five years before they are eligible for a license to conduct a pickle card lottery.

The starting point of any analysis concerning Legislative authorization or regulation of gambling in Nebraska must begin with §24 Article III of the Nebraska Constitution.

Originally this section of the Nebraska Constitution prohibited the Legislature from authorizing any game of chance or lottery. In 1934 this provision of the constitution was amended to allow horse races by the parimutuel or certificates method within the race track enclosure.

Later amendments to this section of the Constitution permitted the Legislature to license and regulate bingo games conducted by non-profit associations which have been in existence for a period of five years and to authorize and regulate lotteries in which the proceeds are to be used solely for charitable or communities betterment purposes.

In is obvious from reading this section of the constitution and its history that while the Legislature may now authorize wagering on horse races, bingo and charitable lotteries as above described, there is nothing requiring the Legislature to do so.

It is also clear that if the Legislature decides to authorize the limited gambling permitted by the constitution, it may strictly regulate what it authorizes.

In the Supreme Court of Nebraska case of Alcoholic Resocialization Conditioning Help, Inc., et al., v. State of Nebraska, Charles Thone, Governor, et al., appellees, 206 Neb. 788, the plaintiffs contested the constitutionality of certain bingo statutes enacted by the Legislature which provided that not more than two bingo occasions per week could be held within a single structure or building.

The Supreme Court of Nebraska in upholding this statutory restriction on bingo commenced its analysis as follows:

> It is important at the outset to recognize that the activity which the statute regulates is a form of gambling. Gambling is an activity that, for the most part, is prohibited and, where permitted, may be subjected to strict regulation.

The United States Supreme Court in the recent case of Posadas de Puerto Rico Associates etc. v. Tourism Company of Puerto Rico, 478 U.S. ___, 82 L.Ed.2d 266 arrived at a similar conclusion where the plaintiff claimed a legislative ban on casino game advertising was unconstitutional and in conflict with two other U.S. Supreme Court cases, referred to as Carey and Bigelow. In those cases the Supreme

Court had struck down legislative bans on advertisements of contraceptives and abortion clinics. In the casino gambling case, the U.S. Supreme Court put it this way:

> In Carey and Bigelow, the underlying conduct that was the subject of the advertising restrictions was constitutionally protected and could not have been prohibited by the State. Here, on the other hand, the Puerto Rico Legislature surely could have prohibited casino gambling by the residents of Puerto altogether. In our our view, the greater power to completely ban casino gambling necessarily includes the lesser power to ban advertising of casino gambling, and Carey and Bigelow are hence inapposite. (Emphasis added.)

In Pegasus of Omaha, Inc., v. State, 203 Neb. 755, the Supreme Court of Nebraska upheld a statute which prohibited a messenger service from carrying bets to the race track. In recognizing that the service rendered was not gambling in itself, the Supreme Court held that "the activity of Pegasus is so intertwined with gambling that, under its constitutional power to regulate, the Legislature may ban messenger services operating for a fee from accepting bets and conveying the bets to a licensed race track."

The Court later upheld a similar statute which prohibited such messenger services from being operated with or without a fee. Midwest Messenger Services, Inc. v. Spire, 223 Neb. 748.

In upholding the statute, the Nebraska Supreme Court recognized that the Nebraska Legislature had conducted hearings concerning the legislation and had considered a report concerning a number of abuses involving messenger services at race tracks in Illinois. The abuses included the booking of bets without buying the corresponding parimutuel tickets, failure to pay off winners, involvement of organized crime, an increased burden on law enforcement, and a reduction in track attendance and betting with corresponding loss of local and state revenue.

The court concluded in both cases that the legislative ban had a reasonable relationship to the possible abuses. The requirement, that a licensee to conduct a lottery by the sale of pickle cards, be in existence in this state for five years has, in our view, a reasonable relationship to determining whether the past record of an applicant is such that the licensing authority may make an educated determination whether the applicant is likely to use its proceeds for charitable purposes as required, to pay its gambling taxes and to not disappear with the proceeds of the lottery in the middle of the night.

In light of the above discussion that, (1) the constitutional authority to prohibit the activity altogether includes the lesser authority of the legislature to enforce strict regulation, and (2) that

the five year requirement has a reasonable relation to a legitimate State purpose, it is our opinion that the constitutionality of this requirement could be successfully defended.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Melvin K. Kammerlohr
Senior Assistant
Attorney General

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

3-32-4

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 445.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 445
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0315

1. In the Schmit amendment, AM2276, adopted April 5, 1988:

a. On page 1, line 12, "irregardless" has been struck and "regardless" inserted; and

b. On page 2, line 13, "strategies" has been struck and "strategy" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1165, 1105A, 1105, 305A, and 305.

VISITORS

Visitors to the Chamber were Senator L. Johnson's grandchildren, Natalie and Grant Johnson from Carlsbad, California; 75 fourth grade students and teacher from Cather School, Omaha; and 43 fourth grade students and teachers from Clarmar and Davenport Schools, Fremont.

RECESS

At 12:18 p.m., on a motion by Mrs. Morehead, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks, McFarland, Mesdames Higgins, and Johanns who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 1988, at 12:40 p.m., were the following bills: 305, 305A, 1105, 1105A, and 1165.

(Signed) Jan Loder, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 1217. E & R amendments, AM5421, printed separate from the Journal and referred to on page 1765 for the Fifty-Second Day were adopted.

Mr. R. Johnson renewed his pending amendment, AM2773, found in the Journal on page 1894.

Mr. R. Johnson withdrew his pending amendment, AM2773.

Mr. R. Johnson renewed his pending amendment, AM2781, found in the Journal on page 1895.

Mr. Abboud 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 moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

The R. Johnson amendment was adopted with 25 ayes, 11 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Schmit offered the following amendment:
AM2909

(Amendments to AM5421)

1. On page 6, line 16, strike "or"; and in line 18 after "Act" insert ", or district as defined in section 70-601".

2. On page 7, line 3, strike "or an"; in line 4 after "Act" insert ", or district as defined in section 70-601"; in line 8 strike "or"; and in line 10 after "Act" insert ", or district as defined in section 70-601".

3. On page 9, line 19, strike "or"; and in line 21 after "Act" insert ", or district as defined in section 70-601".

Mr. Schmit withdrew his pending amendment.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1083. E & R amendments, AM5427, found in the Journal on page 1796 for the Fifty-Third Day were adopted.

Mr. Landis renewed his pending amendment, AM2749, found in the Journal on page 1972.

SPEAKER BARRETT PRESIDING

The Landis amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Landis offered the following Johanns amendment:

AM2926

(Amendments to AM2747)

1. Insert the following new section:

"Sec. 7. For each issue of bonds issued under this act, the issuer of the bonds, whether the authority or any association formed pursuant to the Interlocal Cooperation Act, shall select as bond counsel for the respective issue of bonds a Nebraska law firm qualified to render opinions on the due authorization, issuance, and delivery of bonds. Such firm shall be selected on the following basis: In the event that the aggregate principal amount of the bonds to be issued is ten million dollars or less, such firm shall be selected on whatever basis the issuer of the bonds determines to be necessary and appropriate; and in the event that the aggregate principal amount of the bonds is more that ten million dollars, the issuer of the bonds shall mail to all firms which have registered with the authority a request for proposal to act as bond counsel. The request for proposal shall request that if such firm desires to serve as bond counsel in connection with the issuance of the bonds that it submit a proposal to serve as such bond counsel and include in such request its qualifications, experience, and proposed fees, as well as such other information as the issuer of the bonds shall deem pertinent. Based on an analysis of the proposals submitted, the issuer of the bonds shall select the bond counsel for the bonds. In no event shall the attorney or attorneys representing the issuer of the bonds, whether such issuer is the authority or any association formed pursuant to the Interlocal Cooperation Act, be selected as bond counsel and issuer counsel for the same issue.".

2. Renumber the remaining sections accordingly.

Mr. Goodrich offered the following amendment to the pending Johanns amendment:

To amend the Johanns amendment, AM2926, by inserting the words "or attorney" after the word firm on lines 6, 8, 11, 16, and 18.

The Goodrich amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

The Johanns amendment, as amended, was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis offered the following amendment:

Add a new sentence to the Johanns amendment:

The goal of this selection process is to identify and select cost effective, competent board counsel services.

The Landis amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Landis requested a machine vote on the advancement of the bill.

Mr. Hefner requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Ashford	Hall	Landis	Morehead	Warner
Baack	Hannibal	Lynch	Nelson	Wehrbein
Bernard-Stevens	Higgins	Marsh	Pirsch	Weihing
	Johanns	McFarland	Schmit	Wesely
Chambers	Johnson, V.	Miller	Smith	Withem
Conway	Labedz	Moore		

Voting in the negative, 15:

Barrett	Elmer	Johnson, L.	Lamb	Rogers
Beyer	Haberman	Johnson, R.	Peterson	Schellpeper
Coordsen	Hefner	Korshoj	Remmers	Scofield

Present and not voting, 6:

Abboud	Chizek	Goodrich	Hartnett	Langford
Campbell				

Excused and not voting, 1:

Dierks

Advanced to E & R for Engrossment with 27 ayes, 15 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 305.

(Signed) Chris Abboud

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Schmit asked unanimous consent to have his name added as co-introducer to LB 632. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 1083 in the Journal. No objections. So ordered.

AM2924

(Amendments to AM2747)

1. Insert the following new section:

"Sec. 6. In connection with the privately negotiated sale of any bonds under this act, in selecting the members of the managing group of underwriters for such sale, the issuer of the bonds shall make reasonable efforts to include in such group, and to the extent reasonably possible, shall give a preference for inclusion in such group, entities legally qualified to act as such underwriters and which have an investment banking office in the state.".

2. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 428. Introduced by Johanns, 27th District; Nelson, 35th District; Remmers, 1st District; Labedz, 5th District; Hefner, 19th District; Conway, 17th District; Schmit, 23rd District; Baack, 47th District; Weihing, 48th District; Marsh, 29th District.

WHEREAS, the Ponca Tribe of Nebraska was terminated by an Act of Congress, P.L. 87-629, on September 5, 1962; and

WHEREAS, former members of the Ponca Tribe of Nebraska are not eligible for and do not receive any federal services in housing, health care, employment, child welfare, and education, otherwise provided to federally recognized Indians; and

WHEREAS, former members of the Ponca Tribe of Nebraska are not defined as Indians by the federal government; and

WHEREAS, the Northern Ponca Restoration Committee, Inc., was incorporated in the State of Nebraska on August 19, 1987, to promote the federal restoration of the Ponca Tribe of Nebraska and its members; and

WHEREAS, the Northern Ponca Restoration Committee, Inc., will seek to acquire and provide federal services to former members of the Ponca Tribe of Nebraska in housing, health care, employment, child welfare, and education; and

WHEREAS, Ponca tribal members have played a historical role throughout Nebraska's history; and

WHEREAS, the trial of Chief Standing Bear established by law that Indians were persons.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes all former members of the Ponca Tribe of Nebraska as duly state recognized Indians.

2. That the Legislature extends its recognition to the Ponca Tribe of Nebraska.

3. That the Legislature fully supports the Ponca Tribe's endeavors to achieve federal restoration.

4. That a copy of this resolution be sent to the Northern Ponca Tribe of Nebraska Restoration Committee, Inc., in care of Mr. Fred LeRoy, Chairman of the Northern Ponca Restoration Committee, Inc. and Ms. Rose Haines, Vice-Chairperson of the Northern Ponca Restoration Committee, Inc., 2226 Leavenworth Street, Omaha, NE 68102.

Laid over.

LEGISLATIVE RESOLUTION 429. Introduced by Johanns, 27th District; Schmit, 23rd District; Weihing, 48th District; Remmers, 1st District.

WHEREAS, the case of the Ponca chief, Standing Bear vs. General George Crook was heard by the U.S. District Court of Nebraska in Omaha beginning on April 30, 1879, through May 2, 1879; and

WHEREAS, the decision of the court was in essence the "Emancipation Proclamation" for Native Americans; and

WHEREAS, Nebraskans, past, present, and future, can be justly proud of the four non-Native American Nebraskans who were instrumental in bringing about the unprecedented decision that for the first time established Native Americans as persons under the terms of the Fourteenth Amendment to the Constitution of the United States of America; and

WHEREAS, many Nebraskans will join together in two separate ceremonies on May 19, 1988. The first ceremony involves the dedication of a plaque commemorating the date that Standing Bear and fellow Poncas walked forth from Fort Omaha as free men. The second ceremony involves the recognition of a contemporary Native American, Ivan Naranjo, whose contribution to America will be witnessed by citizens in each of the fifty states through the medium of television.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages all Nebraskans to observe "Unknown Indian Day" on May 19, 1988, and urges all citizens of this great state to support this historic event and the efforts of the non-Native American organization, Preservation of the Unknown Indian, in a continuing nation-wide effort to recognize the Native American's contribution to a society that is now composed of nationalities originating from all points on the globe.

Laid over.

SELECT FILE

LEGISLATIVE BILL 1178. E & R amendments, AM5426, printed separate from the Journal and referred to on page 1797 for the Fifty-Third Day were adopted.

Messrs. Conway and Chizek offered the following amendment:
AM2861

(Amendments to AM5426)

1. On page 4, after line 7, insert

"(4) The jury shall be instructed on the effects of the allocation of fault.".

Messrs. Miller and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Ashford 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. Conway moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Conway requested a roll call vote on the Conway-Chizek amendment.

Voting in the affirmative, 26:

Abboud	Chambers	Johanns	McFarland	Scofield
Ashford	Chizek	Johnson, R.	Moore	Wehrbein
Baack	Conway	Johnson, V.	Morehead	Weihing
Bernard-Stevens	Haberman	Landis	Nelson	Wesely
Beyer	Hall	Marsh	Remmers	Withem
	Hartnett			

Voting in the negative, 11:

Barrett	Korshoj	Langford	Rogers	Smith
Goodrich	Lamb	Pirsch	Schmit	Warner
Johnson, L.				

Present and not voting, 10:

Campbell	Dierks	Hannibal	Labedz	Peterson
Coordsen	Elmer	Higgins	Lynch	Schellpeper

Excused and not voting, 2:

Hefner	Miller

The Conway-Chizek amendment was adopted with 26 ayes, 11 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Schmit offered the following amendment:

To amend LB 1178, on pg. 12 line 14 strike "January" and insert "March 1, 1989"

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. 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 Schmit amendment was adopted with 29 ayes, 3 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall renewed his pending amendment, AM2874, found in the Journal on page 1990.

PRESIDENT NICHOL PRESIDING

Mr. Hall withdrew his pending amendment, AM2874.

Mesdames Smith, Johanns, Messrs. Warner, Lynch, and Korshoj offered the following amendment:
AM2907

(Amendments to AM5426)

1. On page 1, line 15, after the period insert "Such sections shall not apply to actions brought against political subdivisions.".

2. Insert the following new sections:

"Sec. 12. 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 a political subdivision, 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 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 court in the mitigation of damages in proportion to the amount of contributory negligence attributable to the plaintiff. All questions of negligence or act or omission giving rise to strict liability in tort and contributory negligence shall be for the court.

Sec. 13. That section 23-2420, Revised Statutes Supplement, 1987, be amended to read as follows:

23-2420. Sections 23-2401 to 23-2420 and section 12 of this act shall be known and may be cited as the Political Subdivisions Tort Claims Act.

3. On page 12, line 6, after "and" insert "section 23-2420, Revised Statutes Supplement, 1987, and"; in line 10 after the semicolon insert "in line 3 after '1943' insert ', and section 23-2420, Revised Statutes Supplement, 1987';"; and strike line 16 and insert "and in line 4 after 'sections' insert ', and'".

4. Renumber the remaining sections accordingly.

Mrs. Pirsch offered the following amendment to the pending Smith et al. amendment:

(Amendments to AM2907)

1. On page 1, line 15, after the period, insert "Such sections shall not apply to any individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons employing not more than 500 employees at any one time."

2. Insert the following new section:

"Sec. 12. 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 any individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons employing not more than 500 employees at any one time, 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 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 court in the mitigation of damages in proportion to the amount of contributory negligence attributable to the plaintiff. All questions of negligence or act or omission giving rise to strict liability in tort and contributory negligence shall be for the court.

Mr. Ashford requested a ruling of the Chair on whether the Pirsch amendment is germane to the Smith et al. amendment.

The Chair ruled the Pirsch amendment is not germane to the Smith et al. amendment.

Mr. Conway 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. Smith moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mrs. Smith requested a roll call vote on the Smith et al. amendment.

Voting in the affirmative, 18:

Beyer	Johanns	Moore	Schmit	Warner
Hannibal	Korshoj	Morehead	Scofield	Wehrbein
Hartnett	Lamb	Remmers	Smith	Wesely
Higgins	Lynch	Rogers		

Voting in the negative, 19:

Abboud	Bernard-Stevens	Haberman	Johnson, V.	McFarland
Ashford		Hall	Labedz	Nelson
Baack	Chambers	Johnson, L.	Landis	Pirsch
Barrett	Conway	Johnson, R.	Marsh	Withem

Present and not voting, 9:

Campbell	Dierks	Goodrich	Miller	Weihing
Coordsen	Elmer	Langford	Schellpeper	

Excused and not voting, 3:

Chizek	Hefner	Peterson

The Smith et al. amendment lost with 18 ayes, 19 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Pirsch offered the following amendment:

1. On page 1, line 15, after the period, insert "Such sections shall not apply to any individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons employing not more than 500 employees at any one time."

2. Insert the following new section:

"Sec. 12. 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 any individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons employing not more than 500 employees at any one time, 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 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 court in the mitigation of damages in proportion to the amount of contributory negligence attributable to the plaintiff. All questions of negligence or act or omission giving rise to strict liability in tort and contributory negligence shall be for the court.

Mrs. Pirsch withdrew her pending amendment.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

Mrs. Pirsch requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Abboud	Campbell	Hartnett	Marsh	Schmit
Ashford	Chambers	Johanns	McFarland	Wehrbein
Baack	Chizek	Johnson, R.	Miller	Weihing
Bernard-Stevens	Conway	Johnson, V.	Moore	Wesely
Beyer	Haberman	Labedz	Morehead	Withem
	Hannibal	Landis	Nelson	

Voting in the negative, 16:

Barrett	Higgins	Lamb	Remmers	Scofield
Coordsen	Johnson, L.	Langford	Rogers	Smith
Dierks	Korshoj	Pirsch	Schellpeper	Warner
Hall				

Present and not voting, 3:

Elmer	Goodrich	Lynch

Excused and not voting, 2:

Hefner Peterson

Advanced to E & R for Engrossment with 28 ayes, 16 nays, 3 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 430. Introduced by Schmit, 23rd District; Chizek, 31st District; Labedz, 5th District.

WHEREAS, the year of 1988 marks the centennial of the Village of Bruno, Nebraska; and

WHEREAS, Bruno was named by the early Czech settlers after BRNO, Czechoslovakia; and

WHEREAS, the community has survived and thrived through tornadoes, fires, duck suppers, and other early hardships; and

WHEREAS, the residents of Bruno will greet you with a firm handshake and a robust vitame-vas; and

WHEREAS, Bruno will begin its centennial celebration activities in July; and

WHEREAS, the traditions and the heritage which made Nebraska great are still being carried on by the residents of Bruno; and

WHEREAS, the current residents of Bruno deserve special recognition for the contributions which they and their ancestors have made to all areas of the state's development and to Nebraska's spirit itself.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its best wishes and congratulations to the residents of Bruno on their centennial.

2. That a copy of this resolution be sent to the Mayor and clerk of Bruno.

Laid over.

LEGISLATIVE RESOLUTION 431. Introduced by Scofield, 49th District.

WHEREAS, the city of Alliance is celebrating its centennial this year during Heritage Days July 10-17; and

WHEREAS, Alliance and Box Butte County represent the union of the hopes, dreams, and efforts of Panhandle settlers; and

WHEREAS, since birth, Alliance and Box Butte County have served the Panhandle and the plains as a hub for crop and livestock production and shipping, as a division point for the Burlington route, as a home to unique manufacturing interests with customers nationwide, and as a base for our nation's armed forces during World War II; and

WHEREAS, the citizens of Alliance and Box Butte County have hosted these various interests without fail and worked to build a strong, healthy community for their families in the finest tradition of our plains heritage; and

WHEREAS, the spirit of the people of Alliance and Box Butte County, in good times and difficult times, has led the community to positions of leadership and vitality in the Panhandle region; and

WHEREAS, a community's history is only as rich as its citizens' efforts make it, the city of Alliance and Box Butte County and their people truly have much to be thankful for and even more to look forward to in their second century.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the city of Alliance on its upcoming centennial celebration of 1988.

2. That the citizens of Alliance and Box Butte county have the thanks and recognition of the Legislature and their fellow Nebraskans for their many contributions to the state.

3. That a copy of this resolution be sent to the Alliance City Council, 324 Laramie, Alliance, NE 69301.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 664 and 664A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 664
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0316
1. In the Schmit et al. amendment, AM2933, adopted April 5, 1988:
a. On page 1, line 12, "any" has been struck;
b. On page 4, line 20, "Such" has been struck and "The" inserted; and in lines 21 and 24 "such" has been struck and "the" inserted;
c. On page 8, line 13, "shall make" has been struck and "makes" inserted; and
d. On page 9, line 7, "This act" has been struck and "The Farm Mediation Act" inserted.

Enrollment and Review Change to LB 664A
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0317
1. In the Miller et al. amendment, AM2439, adopted April 5, 1988, on page 1, line 19, "hereby" has been struck and "hereby" has been inserted after "be"; and in line 20 "from the General Fund" has been inserted after "appropriated" and "and" has been struck and "for the indicated time periods to aid in carrying out the provisions of Legislative Bill 664, Ninetieth Legislature, Second Session, 1988, and shall be" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 978 in the Journal. No objections. So ordered.

AM2943
1. Strike the original sections and all amendments thereto and insert the following new sections:
"Section 1. That section 50-419, Revised Statutes Supplement, 1986, be amended to read as follows:
50-419. (1) The Legislative Fiscal Analyst shall provide fiscal and budgetary information and

assistance to the Legislature and the Appropriations Committee. During sessions of the Legislature he or she shall work under the direction of the Appropriations Committee of the Legislature. During the interim between legislative sessions he or she shall work under the direction of the Executive Board of the Legislative Council.

The Legislative Fiscal Analyst shall provide:

(a) Factual information and recommendations concerning the financial operations of state government;

(b) Evaluation of the requests for appropriations contained in the executive budget and recommendations thereon;

(c) Studies of capital outlay needs for the orderly and coordinated development of state institutions and institutional programs authorized, if not otherwise provided by law;

(d) Plans for legislative appropriation and control of funds, with presession analysis of budgetary requirements; and

(e) At the direction of the Performance Review and Audit Committee, ~~analyses~~ analysis of the performance, management, and accomplishments of the programs of state government and state-aid programs.

(2) The ~~analyses~~ analysis required by subdivision (1)(e) of this section may contain information pertaining to compliance with legislative intent, performance compliance with preestablished standards, program effectiveness, organizational structure, personnel policies, opinions, and recommendations as considered appropriate for the improvement of operations of government. The Legislative Fiscal Analyst may contract for services deemed necessary to carry out the duties of the office with the approval of the Executive Board of the Legislative Council.

(3) His or her duties shall also include examining or auditing functions or services authorized by the Legislature to determine if funds are expended according to legislative intent and whether improvements in organization and performance are possible. The examining function shall also include the appraisal of functions for needed reforms.

(4) His or her duties shall be to coordinate

his or her activities with the budget officer of the Department of Administrative Services.

(5) All information and reports of the fiscal analyst and Appropriations Committee shall be available to any and all members of the Legislature.

(6) The Legislative Fiscal Analyst shall provide revenue-forecasting information and assistance to the Legislature, the Revenue Committee of the Legislature, and the Appropriations Committee of the Legislature. For the purposes of this subsection, he or she shall work under the direction of the Revenue Committee of the Legislature and the Appropriations Committee of the Legislature. The revenue-forecasting information provided under this subsection shall include:

(a) The estimated revenue receipts for each year of the following biennium;

(b) General Fund reserve requirements;

(c) A list of express obligations; ~~and~~

(d) A summary of economic conditions affecting the State of Nebraska; and

(e) An annual report, due by December 15, containing annual and cumulative estimated revenue expenditures and revenue receipts related to the Employment and Investment Growth Act. The report shall analyze and state in the aggregate the fiscal impact of the incentives applied for under the act and the refunds allowed on the investment, the credits earned, the credits used to reduce the income tax, the credits used to obtain sales and use tax refunds, and an estimate of the sales and use taxes and income taxes generated due to the actual creation of jobs and investment through signed project agreements. Specifically, the report shall contain a cost-effectiveness analysis of Employment and Investment Growth Act projects considering the creation of new jobs, the loss of jobs subsequent to signing an agreement under the act, the expansion of capital investment, the retention of existing jobs, wage levels of the new jobs, and such other factors as may be relevant. The report shall present such analytical information in groups aggregated to contain ten or more tax payers receiving benefits under the act.

(7) The information necessary to perform the

analysis required by subdivision (6)(e) of this section shall be provided by the Tax Commissioner to a designated employee of the Legislative Fiscal Analyst who is also a part-time employee of the Department of Revenue. Such employee shall be governed by federal confidentiality laws and sections 77-2711 and 77-27,119 as such sections relate to confidentiality and criminal penalties.

Sec. 2. That section 50-702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

50-702. (1) The Performance Review and Audit Committee shall have the following duties and responsibilities:

(a) ~~(1)~~ To meet periodically with the Auditor of Public Accounts to review the audits performed by the audit staff, and to meet once each calendar quarter of the year to receive a report from the Legislative Fiscal Analyst on all performance reviews in progress or completed since the last report;

(b) ~~(2)~~ To review special requests from legislative members for special reviews and, if approved, communicate such requests to the Legislative Fiscal Analyst;

(c) ~~(3)~~ To determine the means by which performance review methods can be improved so as to better provide the type of information needed by the Legislature;

(d) ~~(4)~~ To continually review the workload of the legislative fiscal staff and report to the Legislature the requirements for maintaining a current performance review capability;

(e) ~~(5)~~ To insure that proper dissemination of performance review findings is made to the members of the Legislature; and

(f) ~~(6)~~ To assume or initiate whatever actions are necessary to insure that recommendations for improvement are effectively carried out by the responsible agencies of state government.

(2) The Legislative Fiscal Analyst, with the assistance of the Director of Research, shall implement a system of program and policy monitoring and performance review established by the Performance Review and Audit Committee. The Legislative Fiscal Analyst

shall utilize the system to evaluate the economic development programs of the Department of Agriculture, the Department of Economic Development, the Department of Labor, the Research and Development Authority Act, the Community Development Assistance Act, all state job training programs, the Nebraska Food Processing Center, the Nebraska Technical Assistance Center, the Nebraska Business Development Center, and the entrepreneurship program at the University of Nebraska-Lincoln. The Legislative Fiscal Analyst and Director of Research shall provide a report of its findings for each subject reviewed and any recommendations to the Legislature and the Governor. Such reports shall also be made available to the public.

Sec. 3. There is hereby appropriated to the Department of Revenue, Program 102 -- Revenue Administration, $20,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to aid in carrying out the provisions of this legislative bill.

Total expenditures from this appropriation for permanent and temporary salaries and per diems shall not exceed $9,700 for fiscal year 1988-89.

Sec. 4. That original section 50-702, Reissue Revised Statutes of Nebraska, 1943, and section 50-419, Revised Statutes Supplement, 1986, are repealed.".

Mrs. Labedz asked unanimous consent to print the following amendment to LB 716A in the Journal. No objections. So ordered.

AM2955

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 71-5828, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5828. Substantial change in health service shall mean (1) the offering of a health service which was not offered on a regular basis in or through a health care facility within the twelve-month period prior to the time the services would be offered or (2) the termination of a health service provided in or through a health care facility. A technological improvement to a service already being offered shall not

be considered a substantial change in health service, but a technological improvement may require a certificate of need under ~~the provisions of~~ subdivision ~~(2), (6), or (7)~~ (1)(b), (f), or (g) of section 71-5830.

Sec. 2. That section 71-5830, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5830. (1) No person, including persons acting for or on behalf of a health care facility, shall engage in any of the following activities without having first applied for and received the necessary certificate of need:

(a) ~~(1)~~ The construction, acquisition, or lease of a health care facility, including purchase or obtaining controlling interest in the stock of a health care facility by any means. For the purposes of this section, controlling interest shall mean a majority of the voting rights of the shares of stock entitled to vote. The proposed lease, acquisition, or purchase of an existing health care facility shall be subject to this subdivision unless:

(i) ~~(a)~~ The acquisition of the facility occurs at a judicial sale pursuant to foreclosure of the facility for collection of a debt secured by the facility or a lien on the facility arising by the operation of law, or a subsequent sale or lease of the facility by the secured lender or lienholder who has purchased the facility at a judicial sale;

(ii) ~~(b)~~ The acquisition of the facility is a transfer of ownership occurring by reason of the death of the owner or part owner thereof, and the transferees are the owner's heirs, are persons designated in the owner's probated will or trust agreement, or are joint tenants with the owner on the title instrument;

(iii) ~~(c)~~ The facility to be acquired, leased, or purchased has not received federal or state reimbursement for one year or more prior to the date of such acquisition, lease, or purchase, and the transfer will not result in any increased reimbursement for capital costs by any governmental reimbursement or health care insurance program; or

(iv) ~~(d)~~ The acquisition of the facility is a transfer to the spouse or lineal descendants of the owner or controlling shareholder or to a corporation,

general partnership, or limited partnership directly or indirectly controlled by the owner, his or her spouse, or lineal descendants, or any combination of such individuals, and the transfer will not result in any increased reimbursement for capital costs by any governmental reimbursement or health care insurance program.

An application for certificate of need pursuant to subdivision ~~(1)~~ (a) of this ~~section~~ subsection shall be denied whenever the approval of such construction, acquisition, or lease would result in any person, corporation, partnership, or holding company owning or having controlling interest in health care facilities which ~~(i)~~ (A) account for twenty per cent or more of the total patient discharges in the state for all hospitals with an average length of stay of less than thirty days or ~~(ii)~~ (B) account for twenty per cent or more of the total licensed beds in the state for all freestanding skilled nursing and intermediate care facilities;

(b) ~~(2)~~ Offering a new institutional health service other than a home health service which will entail operating expenditures for the twelve-month period immediately following initiation of the new service in excess of the annual operating expenditure minimum;

(c) ~~(3)~~ Offering a new home health service;

(d) ~~(4)~~ Entering into any obligation for any capital expenditure by or on behalf of a health care facility which results in a substantial change to an institutional health service;

(e) ~~(5)~~ Entering into any obligation for any capital expenditure by or on behalf of a health care facility which increases or decreases the total number of beds or redistributes beds among various categories or relocates beds from one physical facility or site to another if the bed capacity of the facility will have changed by more than ten beds or more than ten per cent of total bed capacity, whichever is less, over a two-year period;

(f) ~~(6)~~ Any capital expenditure or obligation incurred by or on behalf of a health care facility in excess of the capital expenditure minimum made:

(i) ~~(a)~~ In preparation for the offering or

developing of a new institutional health service, in preparation for initiating a substantial change in an existing health service, or any arrangement or commitment made for financing the offering or development of such new or substantially changed health service. Expenditures in preparation for the offering of a new institutional health service shall include expenditures for architectural designs, plans, working drawings, and specifications, but shall not include expenditures for preliminary plans, studies, and surveys or site acquisition;

(ii) ~~(b)~~ For the purchase, acquisition, or lease of clinical equipment; or

(iii) ~~(c)~~ For the acquisition of a capital asset other than a health care facility as described in subdivision ~~(1)~~ (a) of this ~~section~~ subsection. For the purpose of this subdivision a capital asset shall mean any property which will be depreciated for a period exceeding twelve months using generally accepted accounting procedures; or

(g) ~~(7)~~ Any capital expenditure by a health care facility over the capital expenditure minimum not covered by subdivisions ~~(1)~~ (a) to ~~(6)~~ (f) of this ~~section~~ subsection.

(2) Notwithstanding subsection (1) of this section, open heart surgery shall not be considered to be a new institutional health service or a substantial change to an institutional health service if the facility can show a reasonable expectation of performing at least two hundred intracardiac or coronary artery catherizations on an annual basis.

Sec. 3. That original sections 71-5828 and 71-5830, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

SELECT FILE

LEGISLATIVE BILL 1232. E & R amendments, AM5425, printed separate from the Journal and referred to on page 1797 for the Fifty-Third Day were adopted.

Mr. Schmit offered the following amendment:
AM2785
(Amendments to Standing Committee amendment, AM2171)

1. Insert the following new section:

"Sec. 26. (1) Lotteries by the sale of pickle cards shall be subject to the following requirements:

(a) Pickle cards shall be printed by contract with one firm of demonstrated competence and integrity. The department shall make the determination of which firm shall be awarded the contract and shall enter into such contract with the firm for one year. The contract may be renewed upon the determination of the department;

(b) Each pickle card shall have a coded or concealed identity number which shall be in sequence and numbered by the manufacturer;

(c) All pickle cards shall be distributed to the public by machine;

(d) Meters on the machine shall record each transaction in duplicate, showing the amount of money inserted into the machine;

(e) Winning tickets shall be reinserted into the machine and the winning amount totaled in duplicate;

(f) Winning tickets shall be printed showing the total amount of winnings;

(g) Winning tickets shall be turned into proprietors for cash;

(h) The proprietors shall keep all tickets for which cash was paid; and

(i) Winnings shall be easily calculated and verified by comparing the tickets cashed and the duplicate copy in the machine.

(2) The department shall adopt and promulgate rules and regulations necessary to carry out the purpose of this section.".

2. In the Morehead amendment, AM2692:

(a) On page 2, strike beginning with "28" in line 17 through "50" in line 18 and insert "29, 31, 32, 37 to 39, 43, 46, 49, and 51"; and in line 18 strike "45, and 47" and insert "46, and 48";

(b) On page 3, line 1, strike "30" and insert "31"; and

(c) On page 6, line 6, strike "50" and insert "51".

3. Renumber remaining sections accordingly.

Messrs. Chambers, Wehrbein, Lamb, McFarland, and Mrs. Johanns asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Members Excused

Messrs. Remmers and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 1073A in the Journal. No objections. So ordered.

AM2956

1. Strike lines 7 through 9 and insert:
"Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $110,000 for the period July 1, 1988, to June 30, 1989.".

Mr. Hartnett asked unanimous consent to print the following amendment to LB 369 in the Journal. No objections. So ordered.

AM2931

1. Strike the original sections and all amendments thereto and insert the following new sections:
"Section 1. That section 18-1201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
18-1201. All cities and villages, organized under the laws of the State of Nebraska, ~~shall have the power and authority to~~ may levy a special tax each year of not more than three and five-tenths cents on each one hundred dollars upon the actual value of all the taxable property in such city or village, except intangible property, for the special purposes set forth ~~herein~~ in this section. Such special levy shall be made by the same officers or board and be levied in the same manner as general city or village taxes. Revenue raised by such a special levy may be used ~~only~~ for ~~the purposes of~~

purchasing and maintaining public safety equipment, including, but not limited to, vehicles or rescue or emergency first-aid equipment for a fire or police department of such city or village, for ~~purchase of~~ purchasing real estate for fire or police station quarters or facilities, for ~~fire station quarters, or for erection, building, alteration~~ erecting, building, altering, or repairing ~~of~~ fire or police station quarters or facilities, ~~or~~ for purchasing, installing, and equipping ~~a fire~~ an emergency alarm or communication system, or ~~the payment of~~ for paying off bonds authorized by section 18-1202. Such revenue may be accumulated in a sinking fund or sinking funds to be used for any such purpose.

Sec. 2. That section 18-1202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1202. Any city or village which has levied or intends to levy a tax as authorized by section 18-1201 for the purposes stated in such section may anticipate the collection of such taxes, including the anticipation of collections from levies to be made in future years, and for such purpose may issue tax anticipation bonds~~,~~ which shall be payable in not exceeding twenty years and may bear interest, payable annually or semiannually, at such rate or rates as the mayor and council or ~~chairman~~ chairperson and board of trustees may determine. The total of principal and interest payable on such bonds in any calendar year shall not exceed ninety percent of the anticipated tax collection for such calendar year on the assumption that the actual valuation for such city or village in all succeeding years shall be the same as the actual valuation most recently determined prior to passage of the ordinance authorizing such bonds and applying the tax levy made or agreed to be made by the city or village, but not exceeding three and five-tenths cents on each one hundred dollars, and using tax due and delinquency dates in effect at the time of passage of the bond ordinance. The city or village may agree in such bond ordinance to make and to continue to make a levy under section 18-1201 until such bonds and interest thereon are fully paid. Such bonds shall be secured by such tax so assessed and levied~~,~~ and shall be payable

only out of the funds derived from such tax. It shall be the duty of such city or village on receipt of such taxes to hold the same as a separate fund to the amount of the bonds so issued and the interest thereon, for the purpose of paying or redeeming such bonds.

Sec. 3. That section 18-1708, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1708. All municipal employees serving outside the corporate limits of the municipality as authorized in sections 18-1706 to ~~18-1710~~ 18-1709 shall be considered and held as serving in their regular line of duties as fully as if they were serving within the corporate limits of their own municipality.

Sec. 4. That original sections 18-1201, 18-1202, and 18-1708, Reissue Revised Statutes of Nebraska, 1943, and also section 18-1710, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 90. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

MR. HANNIBAL PRESIDING

SPEAKER BARRETT PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1100. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 28-1437, 44-2804, 71-102, 71-107, 71-112, 71-121, 71-131, 71-133, 71-139.01, 71-150, 71-155, 71-161.01, 71-161.03 to 71-161.05, 71-161.07, 71-163, 71-175, 71-179, 71-185, 71-193.04, 71-193.25, 71-193.31, 71-1,132.08, 71-1,132.20, 71-1,132.29,

71-1,136.01, 71-1,142, 71-1,147.03 to 71-1,147.08, 71-1,147.10, 71-1,147.12, 71-1,153 to 71-1,155, 71-1,157, 71-1,160 to 71-1,163, 71-1,180, 71-1,186, 71-1,190, 71-1,194, 71-1,195.01, 71-1,195.03 to 71-1,195.09, 71-1,211, 71-1,212, 71-1,223 to 71-1,225, 71-1,232, 71-1,233, 71-1,258, 71-1,262, 71-1,265, 71-1,266, 71-1,268 to 71-1,270, 71-1,274, 71-1,277, 71-1331, 71-1332, 71-1345, 71-1724, 71-2023, 71-2041.01, 71-2512, 71-2702, 71-2705, 71-2712, 71-2802 to 71-2804, 71-2807, 71-2814, 71-3710 to 71-3712, 71-4702, 71-4704, 71-4710 to 71-4712, 71-4714, 71-4715, 71-4716, 71-4718, 71-4719, 71-5101, 71-5110, 71-5113, 71-5407, 71-5502, 71-5508, 71-5518, 71-5520, 71-5819, 71-6105, 71-6111, 71-6114, and 81-651, Reissue Revised Statutes of Nebraska, 1943, section 33-150, Revised Statutes Supplement, 1986, sections 71-101, 71-110, 71-113, 71-114, 71-116, 71-147, 71-148, 71-149, 71-162, 71-195, 71-198, 71-1,132.07, 71-1,135.02, 71-1,136.03, 71-1,147.09, 71-1,158, 71-1,178, 71-1,183, 71-1,195.02, 71-1,267, 71-1,271, 71-1,275, 71-3,106, 71-3,171, 71-519, 71-1330, 71-1333, 71-2017.01, 71-2701, 71-4701, 71-4706, 71-4707, 71-4708, 71-5102, 71-5111, and 71-6115, Revised Statutes Supplement, 1987, and Laws 1987, LB 390, section 26; to restate intent; to define and redefine terms; to change and eliminate provisions relating to issuance, denial, renewal, reinstatement, and lapse of, disciplinary actions regarding, qualifications, requirements, examinations, and fees for, and unlawful acts, violations, and penalties concerning temporary and permanent licenses, certificates, permits, and registrations; to provide, change, and eliminate powers and duties; to change provisions relating to certain boards; to change provisions relating to inspections, supervision, and disclosure of information; to authorize the imposition of disciplinary measures and fines on certain health care facilities as prescribed; to provide for the regulation and change the scope of practice of certain health care personnel as prescribed; to create a fund; to change and eliminate provisions relating to intermediate care facilities for the mentally retarded; to change an operative date for provisions relating to X-ray system operators; to provide a duty for the Revisor of Statutes; to eliminate duties of the Revisor of Statutes relating to substitution of terms; to eliminate provisions relating to permits and certificates to practice veterinary medicine and surgery issued prior to July 24, 1927; to eliminate provisions relating to a published list of professionals; to eliminate the Prophylactic Control Act; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 71-101.02, 71-134 to 71-134.03, 71-155.01, 71-155.02, 71-161.08, 71-180.01 to 71-180.05, 71-192, 71-1,151, 71-1,164, 71-1,165, 71-1,167, 71-1,177, 71-1,179, 71-1,182, 71-1,197.01, 71-1,215 to 71-1,217, 71-1,272, 71-1,276, 71-1104 to 71-1106, 71-1108 to

71-1110, 71-1112, 71-1114, 71-1115, 71-1334, 71-1335, 71-2017.05, 71-2704, 71-2706 to 71-2711, 71-2713, 71-2714, 71-2716 to 71-2719, 71-2806, 71-2813, 71-2818, and 71-4713, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1107, 71-1111, 71-2703, 71-2704.01, and 71-2715, Revised Statutes Supplement, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Chizek	Hartnett	Marsh	Schmit
Ashford	Conway	Hefner	Miller	Scofield
Baack	Coordsen	Johnson, L.	Moore	Warner
Barrett	Dierks	Johnson, R.	Morehead	Wehrbein
Bernard-Stevens	Elmer	Johnson, V.	Remmers	Weihing
	Haberman	Korshoj	Rogers	Wesely
Beyer	Hall	Labedz	Schellpeper	Withem
Campbell	Hannibal	Lamb		

Voting in the negative, 0.

Present and not voting, 7:

Goodrich	Langford	Nelson	Pirsch	Smith
Higgins	Lynch			

Excused and not voting, 5:

Chambers	Johanns	Landis	McFarland	Peterson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1100A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1100, Ninetieth Legislature, Second Session, 1988; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Conway	Hartnett	Langford	Rogers
Ashford	Coordsen	Hefner	Lynch	Schellpeper
Baack	Dierks	Johnson, L.	Marsh	Scofield
Barrett	Elmer	Johnson, R.	Miller	Smith
Bernard-Stevens	Goodrich	Johnson, V.	Moore	Wehrbein
	Haberman	Korshoj	Morehead	Weihing
Beyer	Hall	Labedz	Nelson	Wesely
Campbell	Hannibal	Lamb	Remmers	Withem
Chizek				

Voting in the negative, 0.

Present and not voting, 4:

Higgins	Pirsch	Schmit	Warner

Excused and not voting, 5:

Chambers	Johanns	Landis	McFarland	Peterson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Members Excused

Messrs. Weihing, Remmers, Conway, and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1232. The pending Schmit amendment, AM2785, found in this day's Journal, was renewed.

Mr. Hall offered the following amendment to the pending Schmit amendment:

To amend the Schmit amendment to LB 1232 (AM2785) as follows:

1. On page 1, strike lines 4 through 9; in line 14, after "machine" insert "except pickle cards which are sold at a bingo game authorized pursuant to the Nebraska Bingo Act or which are sold on the premises of a licensed organization"

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hall amendment was adopted with 26 ayes, 2 nays, 12 present and not voting, and 9 excused and not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1100 and 1100A.

SELECT FILE

LEGISLATIVE BILL 1232. The pending Schmit amendment, AM2785, found in this day's Journal, was renewed.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb 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. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Chizek	Elmer	Hartnett	Miller
Baack	Conway	Goodrich	Korshoj	Rogers
Campbell	Dierks	Haberman	Labedz	Schmit

Warner Wehrbein Wesely

Voting in the negative, 16:

Barrett	Hannibal	Lamb	Moore	Schellpeper
Beyer	Johnson, L.	Lynch	Morehead	Smith
Coordsen	Johnson, V.	Marsh	Nelson	Withem
Hall				

Present and not voting, 3:

Bernard-Stevens	Langford	Scofield

Absent and not voting, 2:

Higgins Pirsch

Excused and not voting, 10:

Ashford	Hefner	Johnson, R.	McFarland	Remmers
Chambers	Johanns	Landis	Peterson	Weihing

The Schmit amendment, as amended, lost with 18 ayes, 16 nays, 3 present and not voting, 2 absent and not voting, and 10 excused and not voting.

Pending.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 1988, at 8:05 p.m., were the following bills: 1100 and 1100A.

(Signed) Pam Moravec, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 1217.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 1217

The following changes, required to be reported for publication in the Journal, have been made:
ER0320

1. In the E & R amendments, AM5421, adopted April 5, 1988:

a. On page 5, line 21, "sections" has been struck, shown as stricken, and "section" inserted and "66-1307.02" has been struck, shown as stricken, and "this section" inserted; and

b. On page 8, line 12, "the" has been inserted after "and".

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 1160 in the Journal. No objections. So ordered.

AM2950

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 2. There is hereby appropriated $2,000,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Nebraska Soil and Water Conservation Fund, which fund is hereby appropriated to the Nebraska Natural Resources Commission, for Program 304.

There is included in the appropriation to this program for FY1988-89 $2,000,000 General Funds for state aid, which shall be used only for such purpose.

It is the intent of the Legislature that such funds appropriated in this section shall be made available for up to fifty percent of the actual cost of the required practices.

Sec. 3. Program 940. To assist in carrying out the provisions of the Deferred Building Renewal Act, there is hereby appropriated $1,000,000 from the State Building Fund to the Department of Administrative Services for the fiscal year ending June 30, 1989.

Sec. 4. Program 905. The Department of

Administrative Services is hereby authorized to renovate space in the state capital building vacated by the relocation of the central data processing division and the print shop or reassigned due to such relocation. Such renovation may also include renovation of mechanical, electrical, and communication systems in the building where appropriate. There is hereby appropriated $945,000 from the State Building Fund for the fiscal year ending June 30, 1989, to initiate renovation. There is hereby appropriated $3,055,000 from the State Building Fund for the fiscal year ending June 30, 1990, to complete the project.

No funds shall be expended from the appropriation made in this section until such time as plans are completed and approval obtained from the Executive Board of the Legislative Council, pursuant to Legislative Bill 1041, section 79, subsection (2).

Sec. 5. The State Treasurer is hereby directed to transfer $14,000,000 from the General Fund to the Cash Reserve Fund on or before September 15, 1988.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 3, after "Commission" insert "; to make appropriations to the Department of Administrative Services; to provide for a transfer; and to declare an emergency".

MOTION - Adjournment

Mr. Miller moved to adjourn. The motion lost with 9 ayes, 17 nays, and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 1232. Messrs. Rogers, Miller, Schmit, Remmers, Peterson, and Mrs. Marsh offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2791.)

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mrs. Labedz requested a record vote on the Rogers et al. amendment.

Voting in the affirmative, 19:

Abboud	Beyer	Lamb	Nelson	Smith
Barrett	Coordsen	Marsh	Rogers	Warner
Bernard-Stevens	Elmer	Miller	Schmit	Wehrbein
	Johnson, L.	Morehead	Scofield	Wesely

Voting in the negative, 17:

Baack	Dierks	Hartnett	Labedz	Moore
Campbell	Goodrich	Johnson, V.	Langford	Schellpeper
Chizek	Hall	Korshoj	Lynch	Withem
Conway	Hannibal			

Present and not voting, 3:

Haberman	Higgins	Pirsch

Excused and not voting, 10:

Ashford	Hefner	Johnson, R.	McFarland	Remmers
Chambers	Johanns	Landis	Peterson	Weihing

The Rogers et al. amendment lost with 19 ayes, 17 nays, 3 present and not voting, and 10 excused and not voting.

Mrs. Morehead asked unanimous consent to replace her pending amendment, AM2801, found in the Journal on page 1831, with a substitute amendment. No objections. So ordered.

Mrs. Morehead withdrew her pending amendment, AM2801, found in the Journal on page 1831.

Mrs. Morehead offered the following substitute amendment:
AM2892

(Amendments to AM5425)

1. On page 1, line 14, strike the new matter and reinstate the stricken matter.

2 On page 2, line 22, strike "25 to 28, 30, 31" and insert "19, 26 to 29, 31, 32".

3. On page 5, line 2, strike "and"; and in

line 5 after "cards" insert "; and (8) any license fees paid to the department to license the organization, each designated utilization of gross proceeds member, and any sales agent".

4. On page 6, line 1, strike "has been" and insert "is"; strike beginning with "for" in line 3 through line 4; and in line 6 after "activity" insert "other than an occasional sale as defined in subdivision (6) of section 77-2702".

5. On page 8, line 17, strike "recreational, social," and show as stricken.

6. On page 9, strike lines 7 and 8 and insert "Nebraska which has been in existence for five consecutive years immediately preceding the date of the donation and which has its principal office located in Nebraska;".

7. On page 12, line 11, strike "and" and insert "or".

8. On page 14, line 22, strike "or".

9. On page 15, line 3, after "1967" insert "; or (i) failed to pay an administrative fine imposed pursuant to the Nebraska Pickle Card Lottery Act".

10. On page 16, line 10, strike "or"; and in line 13 after "Act" insert "; or (h) failed to pay an administrative fine imposed pursuant to the Nebraska Pickle Card Lottery Act".

11. On page 17, after line 12, insert the following new subdivision:

"(5) To impose or levy an administrative fine of not more than one thousand dollars on a licensee for cause. For purposes of this subdivision, cause shall include instances in which the licensee violated the provisions, requirements, conditions, limitations, or duties imposed by the Nebraska Pickle Card Lottery Act. In determining whether to levy an administrative fine and the amount of the fine, if any such fine is levied, the department shall take into consideration the seriousness of the violation and the extent to which the licensee derived financial gain as a result of the violation;"; in line 13 strike "(5)" and insert "(6)"; and in line 21 strike "(6)" and insert "(7)".

12. On page 18, line 4, strike "(7)" and insert "(8)"; in line 5 after "coin-operated" insert "and currency-operated"; and in line 9 strike "(8)" and

insert "(9)".

13. On page 19, line 6, strike "(9)" and insert "(10)"; in line 11 strike "(10)" and insert "(11)"; in line 13 strike "(11)" and insert "(12)"; in line 15 strike "(12)" and insert "(13)"; and in line 18 strike "(13)" and insert "(14)".

14. Insert the following new section:

"Sec. 18. (1) All money collected by the department as an administrative fine shall be transmitted on a monthly basis to the State Treasurer who shall deposit such money in the Permanent School Fund.

(2) Any administrative fine imposed under section 9-322 and unpaid shall constitute a debt to the State of Nebraska which may be collected by lien foreclosure, or sued for and recovered in any proper form of action, in the name of the State of Nebraska, in the district court of the county in which the violator resides or owns property.".

15. On page 23, line 4, strike the second "or", show as stricken, and insert an underscored comma; in line 6 after the comma insert "or the imposition of an administrative fine pursuant to section 9-322,"; in line 8 after "proceedings" insert "or proceedings to impose an administrative fine"; and in line 12 after "cancellation" insert "proceedings or proceedings to impose an administrative fine".

16. On page 29, line 14, strike "a" and insert "one or more" and strike "operator" and insert "operators"; and strike beginning with "who" in line 16 through "operator" in line 19.

17. On page 31, line 13, strike "30" and insert "31"; in line 14 after "and" insert ", unless such sales agent does not directly or indirectly receive payment of any commission, salary, or fee for the sale, marketing, or delivery of pickle cards on behalf of the licensed organization or any other service on behalf of the licensed organization,"; in line 20 strike "a regular" and insert "its regularly scheduled" and after "occasion" insert "conducted pursuant to the Nebraska Bingo Act"; and strike beginning with "A" in line 22 through line 24.

18. On page 32, line 4, after "occasion" insert "conducted pursuant to the Nebraska Bingo Act".

19. On page 40, line 3, after "coin-operated" insert "or currency-operated"; in line 16 strike "a license-year" and insert "an annual" and after the underscored period insert "For purposes of this subsection, retail sales shall not include revenue generated from other charitable gaming activities authorized by Chapter 9.".

20. On page 42, line 19, strike "in advance of or upon" and insert "within fifteen days of".

21. Strike original section 34.

22. On page 45, strike beginning with "Which" in line 15 through "(d)" in line 22.

23. On page 46, line 1, strike "(e)" and insert "(c)"; in line 4 strike "(f)" and insert "(d)"; in line 8 strike "(g) Which offers any single prize" and insert "(e) In which any individual pickle card awards a prize or prizes"; in line 9 strike "or"; in line 10 strike "(h)" and insert "(f)"; in line 11 strike the underscored period and insert "; or"; reinstate the stricken matter beginning with "and" in line 11 through line 24; and in line 11 before the reinstated "and" insert paragraphing and "(g) Unless".

24. On page 47, reinstate the stricken matter in lines 1 through 5.

25. On page 48, line 3, after "the" insert "extension of any credit with regard to the"; and in line 6 after the second "the" insert "extension of any credit with regard to the".

26. On page 50, line 2, after "or" insert "by"; in line 3 after "month" insert "following each monthly period"; in line 5 strike "for" and insert "concerning"; and in line 6 strike "purchaser" and insert "sale".

27. On page 51, line 6, strike "on or before" and insert "within"; in line 7 after "or" insert "by"; and in line 18 after "coin-operated" insert "or currency-operated".

28. On page 52, line 13, after "coin-operated" insert "or currency-operated".

29. On page 54, lines 3 and 4, strike the new matter.

30. On page 55, line 2, strike "including" and insert "of which".

31. On page 59, line 1, after "renewal"

insert "or".

32. On page 62, line 21, strike "or".

33. On page 63, line 1, after "cards" insert "; or

(h) Knowingly selling or distributing or knowingly receiving with intent to sell or distribute, pickle cards or pickle card units without first obtaining a license in accordance with the Nebraska Pickle Card Lottery Act pursuant to sections 9-329, 9-330, and 9-332 and section 31 of this act"; and in line 18 after "by" insert "this section or other".

34. On page 65, line 10, after "act" insert ", which shall be deemed a public record"; and in line 13 after "act" insert ", which shall be deemed a public record".

35. On page 66, line 23, strike "9-336,".

36. On page 67, line 8, strike "9-336,"; and in line 16 after the semicolon insert "to provide an administrative fine as prescribed; to provide for the disposition of the proceeds of such fine:".

37. Renumber the remaining sections accordingly.

Mr. Hall offered the following amendment to the pending Morehead amendment:

To amend AM2892 to LB 1232

On page 3, after line 24, insert the following new section 15

15. On page 21, line 14, strike "The" and insert "After a hearing has been held, the"

Renumber the remaining sections

On page 6, line 23, strike the period and insert "and on line 22 after "or" insert "knowingly"."

Mr. Hall withdrew his pending amendment.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 1092 in the Journal. No objections. So ordered.

AM2946

(Amendments to AM2917)

1. On page 6, line 24, strike "1990" and insert "1989".

2. On page 9, lines 1 and 5, after "payment" insert "by the developer".

3. On page 13, line 14, after the period insert "There is hereby appropriated three hundred thousand dollars from the Community Improvements Cash Fund for the period July 1, 1988, to June 30, 1989, to carry out the purposes of this section.".

MOTION - Adjournment

Mr. Schmit moved to adjourn. The motion lost with 11 ayes, 21 nays, and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 1232. The pending Morehead amendment, AM2892, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were 33 fourth grade students and teacher from Stolley Park School, Grand Island; Dan, Cheryl, Gregg, and Eric Grimshaw from Plattsmouth; and Cheryll Galvin, Jan Tumbleson, and Evelyn Tipler from Omaha.

ADJOURNMENT

At 8:57 p.m., on a motion by Mrs. Morehead, the Legislature adjourned until 9:00 a.m., Wednesday, April 6, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 6, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 6, 1988

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Barrett, Chambers, Chizek, R. Johnson, Moore, Mesdames Higgins, and Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Seventh Day was approved.

MESSAGE FROM THE GOVERNOR

April 5, 1988

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

Dear Mr. President and Senators:

I am returning Legislative Bill 1041 with my signature but with certain line-item reductions. LB 1041 contains adjustments to the biennial budget passed last session.

My budget presentation to the Legislature in January of this year focused on those items of State spending that are critical to Nebraska's future. In particular, the restoration of previous Special Session reductions in State Aid to education, along with salary improvements for higher education and research funds for the University, emphasize my belief in the central role of education in this quest.

While I respect the opinions of the members of this body, it is necessary to make hard choices about our finances. My reductions to LB 1041 include some items that would obligate us to expand state spending without proper consideration of ongoing needs.

A complete list of line-item reductions is attached to this letter. It is my belief that decisions on these items are more appropriate in the context of our biennial budget deliberations which will commence in a few months. Further, LB 1041 as returned represents a major investment in Nebraska's future. I believe the citizens of this State expect and deserve that we hold off deciding the wisdom of these additional spending items until there is more certainty in our ability to pay for our actions.

I urge the Members to consider our complete fiscal situation as you review these decisions. My determination to avoid financial obligations that cannot be maintained remains strong. Join me in creating a financial atmosphere that will allow us to review spending obligations when all budget considerations are equally before us as they will in the next session of the Legislature.

Sincerely,
(Signed) KAY A. ORR
Governor

AGENCY	DESCRIPTION	FUND	FY88 AMT.	FY89 AMT.
Policy Research	Partial Childrens Study	General		50,000
Legislature	Partial Computer Funding	General		84,980
Education	Adult Education	General		200,000
Health	Subsidize Lab Fees	General		377,000
Health	Athletic Trainer Fee	General	15,000	
Public Institutions	Douglas County Hospital	General	52,940	52,940
Public Institutions	Protective Custody-Region V	General		300,000
Corrections	Visitor Center Study	General		5,000
Educ. T.V. (ETV)	Public Radio	General		88,261
State Colleges	Liability Insurance	General	70,300	70,300
University-UNO	Performing Arts Center	General		160,000

Historical Society	Bongers Museum Study	General		38,000
Admin. Svs. (DAS)	Capitol Basement Escavation	General	82,000	
Admin. Svs. (DAS)	Planning for Vacated Space	General		220,000
Admin. Svs. (DAS)	Mural-14th Floor	General		30,000
Econ. Dev.	No. Omaha Tourism Ctr.	General	30,000	
Arts Council	Arts in Education	General		50,000
		Federal		50,000
Arts Council	Program Grants	General		200,000
Crime Commission	Crime Victim/Witness Aid	General		300,000
	Total Vetoes	General	250,240	2,226,481
		Cash		
		Federal		50,000
		Total	250,240	2,276,481

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 425.

RESOLUTION

LEGISLATIVE RESOLUTION 432. Introduced by Haberman, 44th District.

WHEREAS, the Imperial Elementary School has won the Nebraska Presidential Physical Fitness Award; and

WHEREAS, the Imperial Elementary School holds the national record for winning this award twelve consecutive years; and

WHEREAS, the Legislature recognizes the importance of physical fitness and the hard work and dedication necessary to qualify for the Presidential Physical Fitness Award; and

WHEREAS, Dennis Krutsinger and the teachers at the Imperial Elementary School should be praised for their leadership in building and maintaining a successful physical education program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature wishes to give special recognition for the accomplishments of the Imperial Elementary School.

2. That the Legislature applauds the efforts of the students who participated in the Presidential Physical Fitness Program.

3. That the Legislature extends its congratulations to the students and their parents and the faculty and administration of Imperial Elementary School for their united efforts in achieving this award.

4. That a copy of this resolution be sent to the superintendent at the Imperial Elementary School.

Laid over.

SELECT FILE

LEGISLATIVE BILL 1232. Mrs. Morehead renewed her pending amendment, AM2816, found in the Journal on page 1831.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mrs. Morehead moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. V. Johnson requested a roll call vote on the Morehead amendment.

Voting in the affirmative, 30:

Barrett	Elmer	Langford	Peterson	Scofield
Bernard-Stevens	Haberman	Lynch	Pirsch	Smith
Beyer	Hannibal	Marsh	Remmers	Warner
Campbell	Higgins	Moore	Rogers	Wehrbein
Coordsen	Johnson, L.	Morehead	Schellpeper	Weihing
Dierks	Landis	Nelson	Schmit	Withem

Voting in the negative, 15:

Abboud	Conway	Hefner	Korshoj	McFarland
Baack	Hall	Johanns	Labedz	Miller
Chizek	Hartnett	Johnson, V.	Lamb	Wesely

Present and not voting, 1:

Goodrich

Excused and not voting, 3:

Ashford Chambers Johnson, R.

The Morehead amendment was adopted with 30 ayes, 15 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Johanns renewed her pending amendment, AM2794, found in the Journal on page 1835.

Mr. Conway offered the following amendment to the pending Johanns amendment:
AM2957

(Amendments to AM5425)

1. On page 36, strike beginning with "(1)" in line 7 through line 14 and insert: "(1) Any sole proprietorship, partnership, or corporation may apply for a pickle card operator's license to sell individual pickle cards as opportunities to participate in a lottery by the sale of pickle cards. No organization applying for a pickle card operator's license shall generate net profits from the sale of pickle cards and profits from other gaming activities authorized and regulated under Chapter 9 which exceed twenty-five percent of the organization's overall net profits on an annual license-year basis.".

Messrs. Rogers and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Coordsen 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. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Conway amendment lost with 5 ayes, 20 nays, 20 present and not voting, and 4 excused and not voting.

Mrs. Pirsch 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 Johanns amendment lost with 16 ayes, 21 nays, 8 present and not voting, and 4 excused and not voting.

Mrs. Morehead renewed her pending amendment, AM2846, found in the Journal on page 1889.

Mrs. Labedz offered the following amendment to the pending Morehead amendment:

Strike AM2846 and in AM5425, on page 51, line 1, strike "sixteen" and insert "twelve."

Mrs. Morehead 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. Labedz moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mrs. Labedz requested a roll call vote on her amendment.

Voting in the affirmative, 18:

Abboud	Conway	Hartnett	Korshoj	McFarland
Baack	Dierks	Higgins	Labedz	Schmit
Campbell	Haberman	Johnson, R.	Lynch	Withem
Chizek	Hall	Johnson, V.		

Voting in the negative, 29:

Barrett	Goodrich	Landis	Nelson	Scofield
Bernard-Stevens	Hannibal	Langford	Peterson	Smith
	Hefner	Marsh	Pirsch	Warner
Beyer	Johanns	Miller	Remmers	Wehrbein
Coordsen	Johnson, L.	Moore	Rogers	Weihing
Elmer	Lamb	Morehead	Schellpeper	Wesely

Present and not voting, 1:

Ashford

Excused and not voting, 1:

Chambers

The Labedz amendment lost with 18 ayes, 29 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mrs. Morehead moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mr. Hall requested a roll call vote on the Morehead amendment.

Voting in the affirmative, 26:

Ashford	Elmer	Johnson, L.	Morehead	Scofield
Barrett	Goodrich	Lamb	Peterson	Warner
Beyer	Hannibal	Landis	Pirsch	Wehrbein
Campbell	Hefner	Langford	Rogers	Weihing
Coordsen	Johanns	Marsh	Schellpeper	Wesely
Dierks				

Voting in the negative, 22:

Abboud	Conway	Johnson, R.	McFarland	Remmers
Baack	Haberman	Johnson, V.	Miller	Schmit
Bernard-Stevens	Hall	Korshoj	Moore	Smith
	Hartnett	Labedz	Nelson	Withem
Chizek	Higgins	Lynch		

Excused and not voting, 1:

Chambers

The Morehead amendment was adopted with 26 ayes, 22 nays, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Hall asked unanimous consent to replace the Hall-Labedz pending amendment, AM2884, found in the Journal on page 1912 with a substitute amendment. No objections. So ordered.

Mr. Hall and Mrs. Labedz withdrew their pending amendment, AM2884, found in the Journal on page 1912.

Mr. Hall and Mrs. Labedz offered the following substitute amendment:
AM2977

(Amendments to AM5425)

1. On page 8, line 17, after the third comma insert "youth sports,".

2. On page 20, line 24, after "Act" insert "except a license issued pursuant to section 9-326".

3. On page 21, line 3, after the period insert "The Tax Commissioner may suspend a license issued pursuant to section 9-326 after a hearing upon a finding by the department that the licensee is not operating in accordance with the purposes and intent of the act.".

4. On page 26, line 16, strike "Have" and insert "Be a volunteer fire department or an organization devoted solely to the operation of youth amateur athletics or have".

5. On page 31, line 22, strike "gross proceeds" and insert "revenue".

6. On page 32, line 7, strike "three" and insert "seven".

7. On page 57, line 3, after the period insert "Nothing in this section shall prohibit the licensed organization from entering into an agreement with a not-for-profit organization to donate pickle profits to the not-for-profit organization if:

(i) The agreement is not exclusive;

(ii) The receiving organization would otherwise qualify under section 9-309;

(iii) The licensed organization does not donate more than twenty percent of its net pickle proceeds to the not-for-profit organization; and

(iv) The receiving organization only spends the donation on lawful purposes as defined in section 9-309.".

Mr. Landis requested a division of the question on the Hall-Labedz amendment.

The Chair sustained the division of the question.

The first Hall-Labedz amendment is as follows:

1. On page 8, line 17, after the third comma insert "youth sports,".

2. On page 20, line 24, after "Act" insert "except a license issued pursuant to section 9-326".

3. On page 21, line 3, after the period insert "The Tax Commissioner may suspend a license issued pursuant to section 9-326 after a hearing upon a finding by the department that the licensee is not operating in accordance with the purposes and intent of the act.".

4. On page 26, line 16, strike "Have" and insert "Be a volunteer fire department or an organization devoted solely to the operation of youth amateur athletics or have".

5. On page 31, line 22, strike "gross proceeds" and insert "revenue".

6. On page 32, line 7, strike "three" and insert "seven".

Mr. Lynch 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 first Hall-Labedz amendment was adopted with 27 ayes, 1 nay, 20 present and not voting, and 1 excused and not voting.

The second Hall-Labedz amendment is as follows:

7. On page 57, line 3, after the period insert "Nothing in this section shall prohibit the licensed organization from entering into an agreement with a not-for-profit organization to donate pickle profits to the not-for-profit organization if:

(i) The agreement is not exclusive;

(ii) The receiving organization would otherwise qualify under section 9-309;

(iii) The licensed organization does not donate more than twenty percent of its net pickle proceeds to the not-for-profit organization; and

(iv) The receiving organization only spends the donation on lawful purposes as defined in section 9-309.".

Mr. Goodrich offered the following amendment to the pending Hall-Labedz amendment:

To amend the Hall amendment on Pg. 2 sub-paragraph (iii) add a new sentence:

The 20% reporting requirement shall be reported quarterly to the Department of Revenue.

SPEAKER BARRETT PRESIDING

The Goodrich amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mrs. Higgins requested a roll call vote on the Hall-Labedz amendment.

Voting in the affirmative, 25:

Abboud	Conway	Hartnett	Korshoj	Moore
Ashford	Coordsen	Hefner	Labedz	Remmers
Baack	Elmer	Johanns	Landis	Rogers
Beyer	Goodrich	Johnson, L.	Langford	Schmit
Chizek	Hall	Johnson, R.	McFarland	Withem

Voting in the negative, 17:

Barrett	Hannibal	Marsh	Peterson	Smith
Bernard-Stevens	Higgins	Miller	Schellpeper	Warner
	Lamb	Morehead	Scofield	Wesely
Dierks	Lynch	Nelson		

Present and not voting, 6:

Campbell	Johnson, V.	Pirsch	Wehrbein	Weihing
Haberman				

Excused and not voting, 1:

Chambers

The second Hall-Labedz amendment, as amended, was adopted with 25 ayes, 17 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mrs. Higgins moved to bracket LB 1232 until April 9, 1988.

Mrs. Higgins withdrew her motion to bracket.

Mr. V. Johnson moved to reconsider the second Hall-Labedz amendment.

Mrs. Johanns and Mr. R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

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. Hall requested a record vote on the V. Johnson motion to reconsider.

Voting in the affirmative, 26:

Abboud	Elmer	Johnson, V.	Morehead	Smith
Barrett	Haberman	Lynch	Peterson	Warner
Bernard-Stevens	Hannibal	Marsh	Pirsch	Wehrbein
	Hefner	Miller	Schellpeper	Weihing
Coordsen	Higgins	Moore	Scofield	Wesely
Dierks	Johnson, L.			

Voting in the negative, 10:

Baack	Chizek	Hall	Landis	Remmers
Beyer	Goodrich	Labedz	Langford	Withem

Present and not voting, 10:

Ashford	Conway	Korshoj	McFarland	Rogers
Campbell	Hartnett	Lamb	Nelson	Schmit

Excused and not voting, 3:

Chambers	Johanns	Johnson, R.

The V. Johnson motion to reconsider prevailed with 26 ayes, 10 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Hall-Labedz amendment found in this day's Journal was reconsidered.

Mr. Hall requested a record vote on the Hall-Labedz amendment.

Voting in the affirmative, 15:

Ashford	Chizek	Hall	Landis	Remmers
Baack	Goodrich	Hartnett	Langford	Rogers
Beyer	Haberman	Labedz	McFarland	Withem

Voting in the negative, 22:

Abboud	Hannibal	Marsh	Peterson	Smith
Barrett	Hefner	Miller	Pirsch	Warner
Bernard-Stevens	Higgins	Moore	Schellpeper	Wehrbein
	Johnson, L.	Morehead	Scofield	Wesely
Elmer	Lamb	Nelson		

Present and not voting, 8:

Campbell	Dierks	Korshoj	Schmit	Weihing
Conway	Johnson, V.	Lynch		

Excused and not voting, 4:

Chambers	Coordsen	Johanns	Johnson, R.

The second Hall-Labedz amendment lost with 15 ayes, 22 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Moore withdrew his pending amendment, AM2899, found in the Journal on page 1924.

Mr. Moore offered the following amendment:
AM2958

(Amendments to AM5425)

1. On page 36, line 11, after "Act" insert "or which holds a retailer's license for consumption off the premises so long as seventy-five percent of such retailer's revenue on an annual basis is received from the sale of alcoholic liquor" and in line 14 after the period insert "The burden shall be on any licensee who holds an off the premises license to show that the licensee's sales revenue meets such percentage requirement.".

Mr. Hall 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 Moore amendment was adopted with 25 ayes, 10 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall withdrew his pending amendments, AM2893, found in the Journal on page 1983, and his amendment found in the Journal on page 1990.

Mrs. Labedz withdrew her pending amendment, AM2883, found in the Journal on page 1990.

Mrs. Morehead offered the following amendment:
AM2947

(Amendments to AM5425)

1. Insert the following new section:

"Sec. 51. There is hereby appropriated (1) $151,348 from the Charitable Gaming Operations Fund for the period July 1, 1988, to June 30, 1989, and (2) $88,610 from the Charitable Gaming Operations Fund for the period July 1, 1989, to June 30, 1990, to the Department of Revenue, for Program 504.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $51,907 for the period July 1, 1988, to June 30, 1989, nor $53,362 for the period July 1, 1989, to June 30, 1990.".

2. Renumber the remaining sections

14 accordingly.

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.

The Morehead amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mrs. Morehead moved to suspend Rule 6 Section 5 and Rule 7, section 3 and vote on advancement of LB 1232 without further amendment or debate.

Mr. Hall 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 Morehead motion to suspend the rules prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1073A. Mr. Chizek withdrew his pending amendment, AM2956, found in the Journal on page 2053.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 294A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1004. E & R amendments, AM5436, found in the Journal on page 1995 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 700. E & R amendments, AM5437, found in the Journal on page 1996 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1039. E & R amendment, AM5435, found in the Journal on page 1997 for the Fifty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1039A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 998. E & R amendments, AM5439, found in the Journal on page 1997 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 866. E & R amendment, AM5431, found in the Journal on page 1847 for the Fifty-Fourth Day was adopted.

Mr. Goodrich withdrew his pending amendment, AM2862, found in the Journal on page 1878.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 1178.

(Signed) Scott Moore, Chairperson

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.

John M. Boehm - Tax Commissioner

Voting aye: Senators Hartnett, Hefner, Miller, Peterson and V. Johnson. Absent: Senators Haberman, Landis, and Rogers.

(Signed) Vard R. Johnson, Chairperson

VISITORS

Visitors to the Chamber were 75 members from the Nebraska Federation of Women's Clubs from across the state; 55 fourth grade students and teacher from Christ Lutheran School, Norfolk; 22 third

and fourth grade students and sponsor from Bruning; Mr. and Mrs. Mark K. Mullins from Omaha; Nancy Hoch from Nebraska City; and 13 seniors and teachers from Adams.

RECESS

At 12:17 p.m., on a motion by Mr. Moore, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, R. Johnson, Lynch, McFarland, Remmers, Schmit, and Mrs. Labedz who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1042. E & R amendments, AM5429, found in the Journal on page 1842 for the Fifty-Fourth Day were adopted.

Mr. Withem offered the following amendment:
AM2938

1. On page 6, lines 10 to 11, strike "an independent entity".

Mr. Hefner 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 Withem amendment was adopted with 25 ayes, 5 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Withem moved to indefinitely postpone LB 1042.

Mr. Wesely 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. Withem withdrew his pending motion to indefinitely postpone.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

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. Hefner requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Ashford	Chizek	Hefner	Langford	Schmit
Barrett	Coordsen	Higgins	McFarland	Scofield
Bernard-Stevens	Dierks	Johanns	Miller	Smith
Beyer	Elmer	Johnson, R.	Morehead	Wehrbein
Campbell	Goodrich	Labedz	Peterson	Weihing
	Haberman	Lamb	Remmers	

Voting in the negative, 12:

Abboud	Hall	Johnson, V.	Nelson	Wesely
Baack	Hannibal	Landis	Warner	Withem
Conway	Johnson, L.			

Present and not voting, 6:

Hartnett	Marsh	Moore	Pirsch	Rogers
Korshoj				

Excused and not voting, 3:

Chambers	Lynch	Schellpeper

Advanced to E & R for Engrossment with 28 ayes, 12 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 632. E & R amendments, AM5428, found in the Journal on page 1842 for the Fifty-Fourth Day were adopted.

Messrs. Warner and Hartnett renewed their pending amendment, AM2847, found in the Journal on page 1876.

The Warner-Hartnett amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Lamb and Mrs. Morehead offered the following amendment:
AM2839

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) There is hereby created within the State Treasury a fund to be known as the Roads Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used to alleviate cash flow problems resulting from the receipt of federal highway construction funds.

(2) The State Treasurer shall transfer funds from the Roads Reserve Fund to the Department of Roads Operation Cash Fund upon certification by the Director-State Engineer that the current cash balance in the Department of Roads Operations Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred.

(3) Any transfers made pursuant to subsection (2) of this section shall be reversed upon notification by the Director-State Engineer that sufficient funds are available.

(4) There is hereby appropriated eighteen million four hundred thousand dollars from the Highway Cash Fund to the Roads Reserve Fund for the period July 1, 1988, to June 30, 1989, to aid in carrying out the provisions of this section.

Sec. 2. Any money in the Roads Reserve Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. Any interest earned shall accrue to the Roads Reserve Fund until such time as the balance in the fund equals twenty million dollars. After such time, any interest earned shall accrue to the Highway Cash Fund.

Sec. 3. That section 66-424, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-424. The share of the Highway Trust Fund allocated to the Department of Roads shall be transferred by the State Treasurer, on or before the last day of each month, to the Highway Cash Fund, which is hereby created, and shall be expended by the department (1) for acquiring real estate, road

materials, equipment, and supplies to be used in the construction, reconstruction, improvement, and maintenance of state highways, (2) for the construction, reconstruction, improvement, and maintenance of state highways, including grading, drainage, structures, surfacing, roadside development, landscaping, and other incidentals necessary for proper completion and protection of state highways as the department shall, after investigation, find and determine shall be for the best interests of the highway system of the state, either independent of or in conjunction with federal aid money for highway purposes, ~~(3) for the share of the department of the cost of maintenance of state aid bridges as provided in section 39-852, (4)~~ (3) for planning studies in conjunction with federal highway funds for the purpose of analyzing traffic problems and financial conditions and problems relating to state, county, township, municipal, federal, and all other roads in the state, and for incidental costs in connection with the federal aid grade crossing program, for roads not on state highways, ~~(5)~~ (4) for tests and research by the department or proportionate costs of membership, test, and research of highway organizations when participated in by the highway departments of other states, and ~~(6)~~ (5) for the payment of expenses and cost of the Board of Examiners for County Highway and City Street Superintendents as set forth in section 39-2310. Money in the Highway Cash Fund may be appropriated to the Roads Reserve Fund to carry out sections 1 to 3 of this act. Any money in the Highway Cash Fund not needed for current operations of the department and after appropriations to the Roads Reserve Fund shall, as directed by the Director-State Engineer to the State Treasurer, be invested by the state investment officer pursuant to sections 72-1237 to 72-1269, subject to approval by the board of each investment. All income received as a result of such investment shall be placed in the Highway Cash Fund.

Sec. 4. This act shall become operative on July 1, 1988.

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. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud 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 Lamb-Morehead amendment lost with 8 ayes, 20 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Wesely requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 30 ayes, 8 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1234. E & R amendments, AM5430, found in the Journal on page 1844 for the Fifty-Fourth Day were adopted.

Mrs. Higgins offered the following amendment:

On line 14, Page 10, insert, The taxpayer will furnish to the Nebraska Tax Commissioner a Surety Bond, issued by a company licensed to do business in Nebraska for a sum equal to the amount of the investment the taxpayer agrees to make under the provisions of the Employment and Investment Growth Act. The bond may be reduced annually, not to exceed the amount the taxpayer has invested.

Upon enactment of this law, those taxpayers who have already entered into an agreement under this act, shall have 90 days from the date of enactment to comply with this section. Failure to comply makes agreement null and void.

Renumber remaining sections.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mrs. Higgins moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Korshoj requested a roll call vote on the Higgins amendment.

Voting in the affirmative, 16:

Baack	Dierks	Korshoj	Nelson	Scofield
Bernard-Stevens	Haberman	Lynch	Rogers	Smith
Coordsen	Hartnett	Morehead	Schellpeper	Wesely
	Higgins			

Voting in the negative, 25:

Abboud	Conway	Johanns	Landis	Remmers
Barrett	Goodrich	Johnson, L.	Marsh	Warner
Beyer	Hall	Johnson, R.	Miller	Wehrbein
Campbell	Hannibal	Johnson, V.	Moore	Weihing
Chizek	Hefner	Lamb	Peterson	Withem

Present and not voting, 6:

Elmer	Langford	McFarland	Pirsch	Schmit
Labedz				

Excused and not voting, 2:

Ashford	Chambers

The Higgins amendment lost with 16 ayes, 25 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Hall asked unanimous consent to replace his pending amendment, AM2888, found in the Journal on page 1924, with a substitute amendment. No objections. So ordered.

Mr. Hall withdrew his pending amendment, AM2888, found in the Journal on page 1924.

Mr. Hall and Mrs. Labedz moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM2959 to LB 1234.

The Hall-Labedz motion to suspend the rules prevailed with 30 ayes, 4 nays, 13 present and not voting, and 2 excused and not voting.

Messrs. Hall, McFarland, Wesely, and Mrs. Labedz offered the following amendment:
AM2959
1. Insert the following new sections:

"Sec. 2. That section 77-2716.01, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2716.01. (1) Every individual shall be allowed to subtract from federal adjusted gross income an amount for personal exemptions. For tax year 1987, the amount allowed to be subtracted shall be one thousand one hundred dollars multiplied by the number of exemptions allowed on the federal return. For tax years commencing or deemed to begin on or after January 1, 1988, the amount allowed to be subtracted shall be one thousand one hundred and thirty dollars multiplied by the number of exemptions allowed on the federal return.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction. ~~The amount of the standard deduction shall depend upon~~ equal to the federal standard deduction for the filing status used on the federal return. ~~For tax year 1987, individuals who file as single or head of household shall be allowed two thousand five hundred thirty dollars, married filing jointly shall be allowed three thousand seven hundred forty dollars, and married filing separately shall be allowed one thousand eight hundred seventy dollars. For tax years commencing or deemed to begin on or after January 1, 1988, individuals who file as single or head of household shall be allowed two thousand five hundred fifty dollars, married filing jointly shall be allowed three thousand seven hundred eighty dollars, and married filing separately shall be allowed one thousand eight hundred ninety dollars.~~

(3) Every individual who itemized on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or all of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid.

Sec. 10. Sections 2 and 12 of this act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1988.

Sec. 12. That original section 77-2716.01, Revised Statutes Supplement, 1987, is repealed.".

2. In the Standing Committee amendments, AM2286:

a. On page 10, line 15, strike "5 and 8" and insert "6 and 9"; and

b. On page 13, line 16, strike "3 to 7" and insert "4 to 8".

3. Renumber the remaining sections accordingly.

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.

The Hall et al. amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Hall offered the following amendment:

Section 1. There is hereby appropriated (1) $52,455 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $18,921 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Department of Revenue, for Program 102, to aid in carrying out the provisions of Legislative Bill 1234, Ninetieth Legislature, Second Session, 1988.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

The Hall amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 294A, 700, 866, 1004, 1073A, 1042, and 1083.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 1004

The following changes, required to be reported for publication in the Journal, have been made:
ER0322

1. On page 2, line 9, the second comma has been struck and shown as stricken.

2. On page 3, lines 20 and 21; and page 14, line 11, the comma has been struck and shown as stricken.

3. On page 6, line 6, an underscored comma has been inserted after "required".

4. On page 14, line 8, "section" has been struck and shown as stricken.

Enrollment and Review Change to LB 1083

The following changes, required to be reported for publication in the Journal, have been made:
ER0319

1. In the Johanns amendment, AM2926, adopted April 5, 1988:

a. On page 1, line 2, "sections 1 to 10 of" has been inserted after "under"; and in line 20 "that" has been struck and "he, she, or" inserted; and

b. On page 2, line 1, "his, her, or" has been inserted before "its"; in line 2 the third comma has been struck; and in line 4 "shall deem" has been struck and "deems" inserted.

2. In the E & R amendments, AM5427, adopted April 5, 1988, on page 1, line 6, "and" has been inserted after the semicolon; and the matter beginning with the semicolon in line 8 through the last quotation marks in line 10 has been struck.

3. In the Landis-Ashford amendment, AM2747, adopted March 24, 1988:

a. On page 1, line 11; page 2, line 3; page 7, line 17; page 8, line 23; and page 9, line 13, "sections 1 to 10 of" has been inserted before "this";

b. On page 1, lines 14 to 15, "this act is" has been struck and "such sections are" inserted;

c. On page 2, line 1; and page 9, line 7, "this act" has been struck and "such sections" inserted; and

d. On page 7, line 5, "subsection" has been struck and "section" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTIONS

LEGISLATIVE RESOLUTION 433. Introduced by Schellpeper, 18th District; Lynch, 13th District; Bernard-Stevens, 42nd District; Wesely, 26th District; Beyer, 3rd District; Goodrich, 20th District; Morehead, 30th District.

WHEREAS, the Diagnostic-Related-Group reimbursement payments to rural hospitals are significantly less than those provided urban hospitals, averaging approximately thirty-seven percent less than urban hospitals; and

WHEREAS, rural hospitals provide the same standard of care for their patients as urban hospitals; and

WHEREAS, rural hospitals pay as much or more than urban hospitals for equipment, supplies, or utilities; and

WHEREAS, rural hospitals often have a significant number of medicare and medicaid patients and depend on reimbursement in order to maintain financial stability; and

WHEREAS, the Nebraska congressional delegation has consistently supported making this system operate more fairly.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a copy of this resolution be forwarded to each member of the Nebraska congressional delegation.

2. That the Nebraska congressional delegation be commended for their efforts to date in attempting to make this reimbursement system operate more fairly.

3. That the Nebraska congressional delegation be encouraged to continue their efforts to provide equality in reimbursement to rural hospitals.

Laid over.

LEGISLATIVE RESOLUTION 434. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Bernard-Stevens, 42nd District; Goodrich, 20th District; Lynch, 13th District; Schellpeper, 18th District.

PURPOSE: The ozone layer, high in the atmosphere, is crucial to life on earth because it screens out lethal ultraviolet radiation from the sun. Fleurocarbons present in many aerosol products and many manufacturing byproducts are slowly destroying the ozone layer. Because the ozone layer is irreplaceable, it is important to develop environmental legislation that will halt any further destruction. The

purpose of this resolution is to conduct a study of the state's role in protecting the ozone layer. The study shall include, but not be limited to:

(1) Background information on the destruction of the ozone layer;

(2) Survey of state efforts to educate the public on this serious environmental problem;

(3) Survey of state efforts to prevent further destruction of the ozone layer; and

(4) Identification of state legislation that could be adopted in Nebraska to protect the ozone layer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services 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 716. E & R amendments, AM5432, printed separate from the Journal and referred to on page 1896 for the Fifty-Fifth Day were adopted.

Messrs. Hall and Landis renewed their pending amendment, AM2916, found in the Journal on page 1989.

SPEAKER BARRETT PRESIDING

The Hall-Landis amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Warner offered the following amendment:

On page 28 after line 24 insert the following new section.

Section 9. There is hereby appropriated $1000 from the General Fund for the period July 1, 1988 to June 30, 1989 and $3000 from the General Fund for the period July 1, 1989 to June 30, 1990 to the Secretary of State for Program 22 to aid in carrying out the provisions of this bill. No expenditures for permanent and temporary

salaries and per diems for state employees shall be made from funds appropriated in this section.

Renumber the remaining sections accordingly.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 716A. E & R amendments, AM5433, found in the Journal on page 1896 for the Fifty-Fifth Day were adopted.

Mr. Hall withdrew his pending amendment, AM2906, found in the Journal on page 1938.

Mrs. Labedz moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM2955 to LB 716A.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Labedz motion to suspend the rules prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Mrs. Labedz renewed her pending amendment, AM2955, found in the Journal on page 2048.

Mr. Bernard-Stevens 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 amendment was adopted with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 998, 1039, and 1039A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 1039

The following changes, required to be reported for publication in the Journal, have been made:
ER0323
1. In the V. Johnson amendment, AM2208, on page 1, line 2, "and" has been inserted after "hundred".
2. On page 1, line 1, strike "motor vehicle".
3. On page 4, line 22, "who" has been struck and "which" inserted.
4. On page 6, line 12, "its, his, or her" has been struck and "such dealer's" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 1092. E & R amendments, AM5438, found in the Journal on page 1999 for the Fifty-Seventh Day were adopted.

Mr. Schmit renewed his pending amendment, AM2946, found in the Journal on page 2067.

The Schmit amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 130. Mr. V. Johnson withdrew his pending amendment, AM1478, found in the Journal on page 2479, and considered on page 2568, First Session, 1987.

Mr. V. Johnson offered the following amendment:
AM2976
1. Strike original section 1 and insert the following new section:
"Section 1. That section 77-2715.01, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2715.01. (1)(a) Commencing in 1987 the Legislature shall set the rate for the income tax imposed by section 77-2715 and the rate of the sales tax imposed by subsection (1) of section 77-2703. The rate of the income tax set by the Legislature shall be considered the primary rate for establishing the tax rate schedules used to compute the tax.

(b) The Legislature shall set the rates of the sales tax and income tax so that the estimated funds available plus estimated receipts from the sales, use, income, and franchise taxes will be not less than three percent nor more than seven percent in excess of the appropriations and express obligations for the next ~~two~~ succeeding fiscal ~~years~~ year. 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 of the state.

~~(c) 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. Total income and franchise taxes levied shall mean the total state income and franchise tax liability of all taxpayers for the calendar year.~~

(c) ~~(d)~~ 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 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 July 15 and November 15 of each year and shall determine whether the rates for sales tax and income tax should be changed. In making such determination 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 session, all miscellaneous claims, deficiency bills, and all emergency appropriations.

In the event it is determined by a majority vote that the rates must be changed as a result of a regular or special session or as a result of a change in

the Internal Revenue Code of 1986 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, they shall petition the Governor to call a special session of the Legislature to make whatever rate changes may be necessary.".

2. On page 4, strike line 4 and insert "Revised Statutes Supplement, 1987, is repealed.".

Mesdames Johanns and Smith 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, 0 nays, and 23 not voting.

The V. Johnson amendment lost with 7 ayes, 20 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 295A. Mrs. Morehead withdrew her pending motion found in the Journal on page 1979 to indefinitely postpone.

Mr. V. Johnson moved to suspend the rules, Rule 5, Section 6(f) and (g) and Rule 7, Section 3(d), to permit consideration of AM2932 to LB 295A.

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. V. Johnson moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. V. Johnson requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 32:

Ashford	Bernard-Stevens	Campbell	Conway	Elmer
Baack	Beyer	Chambers	Coordsen	Goodrich
Barrett		Chizek	Dierks	Hartnett

Hefner	Labedz	Remmers	Smith	Weihing
Johnson, L.	Lamb	Rogers	Warner	Wesely
Johnson, R.	Marsh	Schmit	Wehrbein	Withem
Johnson, V.	Morehead	Scofield		

Voting in the negative, 10:

Abboud	Hannibal	Korshoj	McFarland	Moore
Hall	Higgins	Landis	Miller	Nelson

Present and not voting, 4:

Haberman	Langford	Peterson	Schellpeper

Absent and not voting, 1:

Pirsch

Excused and not voting, 2:

Johanns Lynch

The V. Johnson motion to suspend the rules prevailed with 32 ayes, 10 nays, 4 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. V. Johnson offered the following amendment:
AM2932

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Protocol Act.

Sec. 2. The purpose of the Protocol Act shall be to promote international exchanges between foreign countries and the State of Nebraska. The Nebraska Legislature recognizes that the exportation of Nebraska products is critical to the health of the state's economy. To successfully promote Nebraska products in international markets, the state shall pursue an aggressive policy of positive international exchanges between foreign dignitaries and state officials.

Sec. 3. There is hereby created the Protocol Office for the State of Nebraska to be administered by the Protocol Officer. The office may be a separate office within an existing executive department, but the office shall be located in the State Capitol. The Protocol Officer shall be appointed by the Governor with the approval of the Legislature and shall serve at the pleasure of the Governor. The Protocol Officer shall possess extensive experience with international visitors and public relations and knowledge of established international courtesies used in official dealings. In case of resignation or other vacancy, the chairperson of the Protocol Advisory Board shall serve as an unpaid Protocol Officer until a replacement can be appointed. The duties of the Protocol Officer shall include, but not be limited to, the following: (1) Plan and coordinate programs and logistics for foreign dignitaries visiting Nebraska constitutional officers or legislators; (2) arrange ancillary services, such as security, transportation, and gifts, for foreign dignitary visits; (3) coordinate programs and logistics for Nebraska constitutional officers or legislators traveling to foreign countries representing the state on state business; (4) represent the state, in the absence of a constitutional officer or legislator, in visiting with foreign dignitaries; (5) maintain a clearinghouse of information on foreign governments, foreign officials, and customs of foreign countries; and (6) coordinate with federal, state, local, and other agencies to promote international trade and cultural, educational, and scientific exchanges.

Sec. 4. (1) There is hereby created a Protocol Advisory Board to advise the Protocol Officer. The members shall include the Governor or his or her representative, the Lieutenant Governor or his or her representative, the Secretary of State or his or her representative, the State Treasurer or his or her representative, the President of the University of Nebraska or his or her representative, and five members of the public with experience in international affairs. Of the five members of the public, two members shall be appointed by and serve at the pleasure of the Governor and three members shall be appointed by and serve at the pleasure of the Executive Board of the Legislative

Council. The Lieutenant Governor or his or her representative shall serve as the chairperson of the Protocol Advisory Board. Members shall serve four-year terms. The initial term of the gubernatorial appointments shall be two years. The board members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177 for state employees. The Protocol Advisory Board shall meet at least twice annually or at the request of the Governor or the chairperson of the board. The Protocol Advisory Board shall be subject to the requirements of sections 84-1408 to 84-1414, except when the security of a visiting dignitary dictates that the meeting shall be closed. If there is a vacancy on the board, the succeeding member shall be appointed in the same manner as his or her predecessor.

(2) The Protocol Advisory Board shall: (a) Provide coordination among the constitutional officers or legislators regarding official state visits abroad; (b) provide coordination among the state and local entities involved in the promotion of international exchanges; (c) provide coordination among state agencies involved in the promotion of international exchanges; (d) provide guidance to the Protocol Officer regarding the priorities of the Protocol Office; and (e) provide nonbinding recommendations to the Governor about candidates for the position of Protocol Officer.

Sec. 5. The Protocol Officer shall obtain the advice and consent of the Speaker of the Legislature prior to arranging official state visits abroad of legislators.

Sec. 6. The Legislature shall appropriate funds necessary for the activities of the Protocol Office. The Protocol Officer may authorize expenditures to promote international relations notwithstanding any other provision of law. The Protocol Officer may contract to obtain goods and services needed to perform the duties of the Protocol Office. The Protocol Officer shall issue an annual fiscal and program report on the Protocol Office to the Clerk of the Legislature at the beginning of each legislative session.

Sec. 7. There is hereby appropriated (1) $80,000 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $81,500 from the General

Fund for the period July 1, 1989, to June 30, 1990, to the Governor, for Program 23, to aid in carrying out the provisions of this legislative bill.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $50,000 for the period July 1, 1988, to June 30, 1989, nor $51,500 for the period July 1, 1989, to June 30, 1990.

Sec. 8. This act shall become operative on July 1, 1988.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. V. Johnson offered the following amendment to his pending amendment:

On page 3, line 18, of AM2932 after "," add "non-public official"

Mrs. Labedz asked unanimous consent to be excused until she 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, 0 nay, and 24 not voting.

The V. Johnson amendment was adopted with 28 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Higgins requested a roll call vote on the V. Johnson amendment, as amended.

Voting in the affirmative, 24:

Baack	Campbell	Dierks	Johnson, L.	Remmers
Barrett	Chambers	Elmer	Johnson, R.	Rogers
Bernard-Stevens	Chizek	Goodrich	Johnson, V.	Schmit
	Conway	Hartnett	Marsh	Weihing
Beyer	Coordsen	Hefner	Moore	Wesely

Voting in the negative, 17:

Abboud	Korshoj	McFarland	Schellpeper	Warner
Hall	Lamb	Miller	Scofield	Wehrbein
Hannibal	Landis	Nelson	Smith	Withem
Higgins	Langford			

Present and not voting, 5:

Ashford	Haberman	Morehead	Peterson	Pirsch

Excused and not voting, 3:

Johanns	Labedz	Lynch

The V. Johnson amendment, as amended, lost with 24 ayes, 17 nays, 5 present and not voting, and 3 excused and not voting.

Mr. Ashford moved to reconsider the V. Johnson amendment, AM2932.

Mr. V. 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. V. Johnson moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Mr. V. Johnson requested a roll call vote on the Ashford motion to reconsider.

Voting in the affirmative, 25:

Ashford	Campbell	Dierks	Johnson, R.	Remmers
Baack	Chambers	Goodrich	Johnson, V.	Rogers
Barrett	Chizek	Hartnett	Labedz	Schmit
Bernard-Stevens	Conway	Hefner	Lynch	Weihing
Beyer	Coordsen	Johnson, L.	Marsh	Wesely

Voting in the negative, 21:

Abboud	Higgins	Landis	Miller	Nelson
Hall	Korshoj	Langford	Moore	Peterson
Hannibal	Lamb	McFarland	Morehead	Pirsch

Schellpeper	Smith	Warner	Wehrbein	Withem
Scofield				

Present and not voting, 2:

Elmer	Haberman

Excused and not voting, 1:

Johanns

The Ashford motion to reconsider prevailed with 25 ayes, 21 nays, 2 present and not voting, and 1 excused and not voting.

The V. Johnson amendment, AM2932, was reconsidered.

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.

Mrs. Higgins requested a record vote on the V. Johnson amendment.

Voting in the affirmative, 25:

Ashford	Campbell	Elmer	Johnson, R.	Remmers
Baack	Chambers	Goodrich	Johnson, V.	Rogers
Barrett	Chizek	Hartnett	Labedz	Schmit
Bernard-Stevens	Coordsen	Hefner	Lynch	Weihing
Beyer	Dierks	Johnson, L.	Marsh	Wesely

Voting in the negative, 22:

Abboud	Korshoj	Miller	Peterson	Smith
Conway	Lamb	Moore	Pirsch	Warner
Hall	Landis	Morehead	Schellpeper	Wehrbein
Hannibal	Langford	Nelson	Scofield	Withem
Higgins	McFarland			

Present and not voting, 1:

Haberman

Excused and not voting, 1:

Johanns

The V. Johnson amendment, as amended, was adopted with 25 ayes, 22 nays, 1 present and not voting, and 1 excused and not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Mr. Hall requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 23 nays, and 1 excused and not voting.

The Chair declared the call raised.

MESSAGES FROM THE GOVERNOR

April 6, 1988

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

Dear Mr. President and Senators:

I am returning LB 350 and LB 350A without my signature and with my objections.

LB 350 and LB 350A regulate the mailing of prescription drugs into the State of Nebraska. These restrictions will make it difficult for Nebraska's elderly citizens, especially for those living in rural areas, to get competitive prices for prescription drugs. It has the potential to trigger unnecessary increases in the health care costs paid by public, private, or third party payors. In addition, Nebraska's Attorney General has maintained that this bill (and similar earlier proposals) is unconstitutional.

Overall, the passage of LB 350 and LB 350A, in my judgement, will raise more legal and other health care access issues than any potential quality-related issues it is intended to address. I urge you to sustain my veto.

Sincerely,

(Signed) KAY A. ORR
Governor

April 6, 1988

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

Dear Mr. President and Senators:

I am returning LB 557 and 557A without my signature and with my objections.

LB 557 establishes a voluntary certification program for nutritionists and dietitians. In my judgment, a voluntary program such as this is unnecessary because it does not ensure that the public will be protected from the harm done by certain incompetent professionals. Additionally, this bill is inconsistent with the recommendations that came out of the credentialing review process established by the Legislature to advise it about the necessity of the state regulation of health professions.

I urge you to sustain my veto.

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1988

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

Dear Mr. President and Senators:

I am returning LB 647 and LB 647A without my signature and with my objections.

LB 647 would provide $1.5 million in new state aid to school districts offering vocational education programs. As you know, one of my paramount objectives for this legislative session has been to assist our schools by restoring $10.7 million in state aid to education.

A $12.2 million increase in non-special education aid this year, however, simply is not advisable in view of other fiscal needs.

Perhaps more important than the amount is the policy change represented by this new program. School boards currently make curriculum choices and spending decisions based on local needs and preferences. The state establishes basic standards but does not make state aid conditional on specific course offerings. LB 647 departs from that precedent by making additional aid available on the basis of local school board decisions concerning vocational education programs.

A final word of caution is in order. Regardless of the merits of "directing" state aid, policymakers should not be under the illusion that an increase such as the one proposed in this bill would not affect the availability of funds for general state aid.

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1988

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

Dear Mr. President and Senators:

I am returning LB 846 without my signature and with my objections.

LB 846 appropriates $150,000 each to the community-based substance abuse and mental health programs. Currently, those two programs receive more than 10 million dollars in State General Fund appropriations. Additional funding for these programs can not be justified at this time. By your actions earlier this session, significant changes were made in the programmatic and funding requirements for community-based mental health programs. It is too early to commit additional state resources to the program before the impact of other statutory changes in service delivery system is known.

I urge you to sustain my veto.

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1988

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

Dear Mr. President and Senators:

I am returning LB 868 and LB 868A without my signature and with my objections.

Providing for another judge on the Worker's Compensation Court is not fiscally prudent at this time. Further, this measure would trigger a 3% salary increase for the other judges six months earlier than provided for in legislation passed in the 1987 session causing an additional fiscal impact.

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1988

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

Dear Mr. President and Senators:

I am returning LB 1117A with my signature, but with a line-item reduction.

LB 1117A contains funding for both an electronic network and for distance learning. My decision will provide $243,700 in Fiscal Year 1988-89 and $94,700 in Fiscal Year 1989-90 for development of a distance learning project. The Department of Education and the Educational Telecommunications Commission will be working together to apply the latest technological developments to our childrens' education. The benefits of this program will be felt across the State. My veto will eliminate funding for the electronic network which is a lower priority and not necessary at this time.

Your support in maintaining the budget at a level that can be sustained is appreciated.

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1988

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

Dear Mr. President and Senators:

I am returning LB 1103 and 1103A without my signature and with my objections.

LB 1103 adds health services to the lists of local school student personnel services overseen by the Nebraska Department of Education. It also provides for the hiring of a school nurse consultant by NDE.

While this new activity is a minor item, it raises questions about demonstrated need for additional staff in state government. For instance, it may be possible to monitor student health services at lower cost through a cooperative arrangement with the Nebraska Department of Health.

The bill also may be unnecessary. The State Board of Education already has statutory authority over "all other necessary and appropriate noninstructional services for students."

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1988

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

Dear Mr. President and Senators:

I am returning LB 863 and LB 863A without my signature and with my objections.

My veto is based on the consideration that the purpose of LB 863, which establishes an advisory board for the Boiler Inspection Act, can be accomplished without using state statutes. I have directed the Commissioner of Labor to set up an advisory group similar to that which would have been created by this Act to provide input to the Department of Labor concerning boiler inspection rules and regulations.

Sincerely,
(Signed) KAY A. ORR
Governor

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in Executive Session on Thursday, April 7, 1988, at 8:15 a.m., in Room 1003.

UNANIMOUS CONSENT - Members Excused

Messrs. Miller and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE RESOLUTION 21CA. Mr. Wesely moved to indefinitely postpone.

SPEAKER BARRETT PRESIDING

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.

Mr. Wesely requested a record vote on his motion to indefinitely postpone LR 21CA.

Voting in the affirmative, 15:

Ashford	Hall	Landis	Marsh	Warner
Barrett	Johnson, R.	Langford	Morehead	Wesely
Chambers	Johnson, V.	Lynch	Pirsch	Withem

Voting in the negative, 21:

Beyer	Goodrich	Johnson, L.	Peterson	Scofield
Campbell	Hartnett	Korshoj	Remmers	Smith
Coordsen	Hefner	Lamb	Schellpeper	Wehrbein
Dierks	Higgins	Moore	Schmit	Weihing
Elmer				

Present and not voting, 10:

Baack	Chizek	Haberman	Labedz	Nelson
Bernard-Stevens	Conway	Hannibal	McFarland	Rogers

Excused and not voting, 3:

Abboud	Johanns	Miller

The Wesely motion to indefinitely postpone lost with 15 ayes, 21 nays, 10 present and not voting, and 3 excused and not voting.

Mr. R. Johnson and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. V. Johnson offered the following amendment:

To amend LR 21CA as follows:

On line 9, select file amendment, change "including" to "excluding".

On line 6, page 3, LR 21CA, change "including" to "excluding".

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson withdrew his pending amendment.

Mr. V. Johnson offered the following amendment to LR 21CA:

Change line 11, page 3, LR 21CA to read: "vote of sixty percent of the qualified electors of such city or"

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 V. Johnson amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Wesely 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. V. Johnson requested a machine vote on the advancement of the resolution.

Mr. Hartnett moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Hartnett requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 27:

Ashford	Elmer	Johnson, L.	Nelson	Schmit
Beyer	Goodrich	Korshoj	Peterson	Scofield
Campbell	Haberman	Labedz	Remmers	Smith
Chizek	Hartnett	Lamb	Rogers	Wehrbein
Coordsen	Hefner	Moore	Schellpeper	Weihing
Dierks	Higgins			

Voting in the negative, 16:

Baack	Hall	Landis	Marsh	Warner
Barrett	Hannibal	Langford	McFarland	Wesely
Chambers	Johnson, V.	Lynch	Pirsch	Withem
Conway				

Excused and not voting, 6:

Abboud	Bernard-Stevens	Johanns	Johnson, R.	Miller
				Morehead

Advanced to E & R for Engrossment with 27 ayes, 16 nays, and 6 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 632 and 1092.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 1092

The following changes, required to be reported for publication in the Journal, have been made:
ER0326

1. In the Schmit amendment, AM2917, adopted on March 31, 1988:

a. On page 6, line 23, "Committee" has been struck;

b. On page 12, line 14, "office of the" has been inserted after the second "the"; and

c. On page 13, line 18, after the second comma "81-15,101.01," has been inserted.

2. On page 1, line 3, after the first comma "81-15,101.01," has been inserted; and the matter beginning with "to" in line 7 through "prescribed" in line 9 has been struck and "to appropriate funds" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Override Veto on LB 350

Mr. Lynch moved that LB 350 become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Veto on LB 350A

Mr. Lynch moved that LB 350A become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Veto on LB 846

Mr. Hall moved that LB 846 become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Veto on LB 863

Messrs. Hall, Withem, and Chizek moved that LB 863 become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Veto on LB 863A

Messrs. Hall, Withem, and Chizek moved that LB 863A become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Veto on LB 557

Mr. Hall moved that LB 557 become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Veto on LB 557A

Mr. Hall moved that LB 557A become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Veto on LB 868

Messrs. Chizek, Hall, and Chambers moved that LB 868 become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Veto on LB 868A

Messrs. Chizek, Hall, and Chambers moved that LB 868A become law notwithstanding the objections of the Governor.

Laid over.

SELECT FILE

LEGISLATIVE BILL 369. E & R amendments, AM5240, found in the Journal on page 247 for the Fourth Day were adopted.

Mr. Hartnett moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM2931 to LB 369. (pg. 2053 in Journal)

Mr. Hartnett moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Hartnett requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 35:

Ashford	Coordsen	Hartnett	Moore	Schmit
Baack	Dierks	Hefner	Nelson	Scofield
Beyer	Elmer	Higgins	Peterson	Smith
Campbell	Goodrich	Johnson, L.	Pirsch	Wehrbein
Chambers	Haberman	Korshoj	Remmers	Weihing
Chizek	Hall	Labedz	Rogers	Wesely
Conway	Hannibal	Lamb	Schellpeper	Withem

Voting in the negative, 5:

Landis	Langford	Lynch	Marsh	McFarland

Present and not voting, 3:

Barrett	Johnson, V.	Warner

Excused and not voting, 6:

Abboud	Bernard-Stevens	Johanns	Johnson, R.	Miller Morehead

The Hartnett motion to suspend the rules prevailed with 35 ayes, 5 nays, 3 present and not voting, and 6 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mr. Hartnett renewed his pending amendment, AM2931, found in the Journal on page 2053.

The Hartnett amendment was adopted with 26 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 972. Considered.

Mr. Wesely 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. Haberman moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Hannibal requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Beyer	Elmer	Higgins	Miller	Schellpeper
Chizek	Goodrich	Labedz	Morehead	Schmit
Conway	Haberman	Lamb	Peterson	Smith
Coordsen	Hall	Langford	Remmers	Weihing
Dierks	Hefner	McFarland	Rogers	

Voting in the negative, 20:

Baack	Chambers	Johnson, R.	Marsh	Warner
Barrett	Hannibal	Johnson, V.	Moore	Wehrbein
Bernard-Stevens	Hartnett	Korshoj	Nelson	Wesely
Campbell	Johnson, L.	Landis	Scofield	Withem

Present and not voting, 3:

Ashford	Lynch	Pirsch

Excused and not voting, 2:

Abboud	Johanns

Failed to advance to E & R for Engrossment with 24 ayes, 20 nays, 3 present and not voting, and 2 excused and not voting.

LB 972 stands indefinitely postponed.

The Chair declared the call raised.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 953. Mr. Schmit withdrew his pending amendments found in the Journal on page 662 and AM2411, found in the Journal on page 1224.

Mr. Schmit renewed his pending amendment, AM2496, found in the Journal on page 1473.

The Schmit amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 884. Mr. Beyer renewed his pending amendment, AM2636, found in the Journal on page 1992.

The Beyer amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1008. E & R amendments, AM5363, found in the Journal on page 1154 for the Thirty-Eighth Day were adopted.

Mrs. Morehead offered the following amendment:
AM2370

1. On page 23, lines 11 and 18, after "license" insert "or state identification card".
2. On page 24, line 17, after the semicolon insert "or"; and strike beginning with the semicolon in line 18 through "card" in line 21.

The Morehead amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mesdames Johanns, Campbell, Messrs. Withem, and Schmit renewed their pending amendment, AM2570, found in the Journal on page 1539.

Mr. Withem 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 Johanns et al. amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Mrs. Smith offered the following amendment:

1. On page 14, strike beginning with "ten" in line 8 through "year" in line 14 and insert "five dollars".

The Smith amendment was adopted with 27 ayes, 2 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1008A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 978. E & R amendments, AM5368, found in the Journal on page 1155 for the Thirty-Eighth Day were adopted.

Mr. Wesely withdrew his pending amendments, AM2651, found in the Journal on page 1527 and AM2943, found in the Journal on page 2044.

Mrs. Morehead withdrew her pending amendment, AM2659, found in the Journal on page 1571.

Mr. Wesely moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of the following Wesely-V. Johnson amendment:

AM2965

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 50-419, Revised Statutes Supplement, 1986, be amended to read as follows:

50-419. (1) The Legislative Fiscal Analyst shall provide fiscal and budgetary information and assistance to the Legislature and the Appropriations Committee. During sessions of the Legislature he or she shall work under the direction of the Appropriations Committee of the Legislature. During the interim

between legislative sessions he or she shall work under the direction of the Executive Board of the Legislative Council.

The Legislative Fiscal Analyst shall provide:

(a) Factual information and recommendations concerning the financial operations of state government;

(b) Evaluation of the requests for appropriations contained in the executive budget and recommendations thereon;

(c) Studies of capital outlay needs for the orderly and coordinated development of state institutions and institutional programs authorized, if not otherwise provided by law;

(d) Plans for legislative appropriation and control of funds, with presession analysis of budgetary requirements; and

(e) At the direction of the Performance Review and Audit Committee, ~~analyses~~ analysis of the performance, management, and accomplishments of the programs of state government and state-aid programs.

(2) The ~~analyses~~ analysis required by subdivision (1)(e) of this section may contain information pertaining to compliance with legislative intent, performance compliance with preestablished standards, program effectiveness, organizational structure, personnel policies, opinions, and recommendations as considered appropriate for the improvement of operations of government. The Legislative Fiscal Analyst may contract for services deemed necessary to carry out the duties of the office with the approval of the Executive Board of the Legislative Council.

(3) His or her duties shall also include examining or auditing functions or services authorized by the Legislature to determine if funds are expended according to legislative intent and whether improvements in organization and performance are possible. The examining function shall also include the appraisal of functions for needed reforms.

(4) His or her duties shall be to coordinate his or her activities with the budget officer of the Department of Administrative Services.

(5) All information and reports of the fiscal analyst and Appropriations Committee shall be available

to any and all members of the Legislature.

(6) The Legislative Fiscal Analyst shall provide revenue-forecasting information and assistance to the Legislature, the Revenue Committee of the Legislature, and the Appropriations Committee of the Legislature. For the purposes of this subsection, he or she shall work under the direction of the Revenue Committee of the Legislature and the Appropriations Committee of the Legislature. The revenue-forecasting information provided under this subsection shall include:

(a) The estimated revenue receipts for each year of the following biennium;

(b) General Fund reserve requirements;

(c) A list of express obligations; ~~and~~

(d) A summary of economic conditions affecting the State of Nebraska; and

(e) An annual report, due by December 15, containing annual and cumulative estimated revenue expenditures and revenue receipts related to the Employment and Investment Growth Act. The report shall analyze and state in the aggregate the fiscal impact of the incentives applied for under the act and the refunds allowed on the investment, the credits earned, the credits used to reduce the income tax, the credits used to obtain sales and use tax refunds, and an estimate of the sales and use taxes and income taxes generated due to the actual creation of jobs and investment through signed project agreements. Specifically, the report shall contain a cost-effectiveness analysis of Employment and Investment Growth Act projects considering the creation of new jobs, the loss of jobs subsequent to signing an agreement under the act, the expansion of capital investment, the retention of existing jobs, wage levels of the new jobs, and such other factors as may be relevant. The report shall present such analytical information in groups aggregated to contain ten or more taxpayers receiving benefits under the act.

(7) The information necessary to perform the analysis required by subdivision (6)(e) of this section shall be provided by the Tax Commissioner to a designated employee of the Legislative Fiscal Analyst who is also a part-time employee of the Department of

Revenue. Such employee shall be governed by federal confidentiality laws and sections 77-2711 and 77-27,119 as such sections relate to confidentiality and criminal penalties.

Sec. 2. That section 50-702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

50-702. (1) The Performance Review and Audit Committee shall have the following duties and responsibilities:

(a) ~~(1)~~ To meet periodically with the Auditor of Public Accounts to review the audits performed by the audit staff, and to meet once each calendar quarter of the year to receive a report from the Legislative Fiscal Analyst on all performance reviews in progress or completed since the last report;

(b) ~~(2)~~ To review special requests from legislative members for special reviews and, if approved, communicate such requests to the Legislative Fiscal Analyst;

(c) ~~(3)~~ To determine the means by which performance review methods can be improved so as to better provide the type of information needed by the Legislature;

(d) ~~(4)~~ To continually review the workload of the legislative fiscal staff and report to the Legislature the requirements for maintaining a current performance review capability;

(e) ~~(5)~~ To insure that proper dissemination of performance review findings is made to the members of the Legislature; and

(f) ~~(6)~~ To assume or initiate whatever actions are necessary to insure that recommendations for improvement are effectively carried out by the responsible agencies of state government.

(2) The Legislative Fiscal Analyst, with the assistance of the Director of Research, shall implement a system of program and policy monitoring and performance review established by the Performance Review and Audit Committee. The Legislative Fiscal Analyst shall utilize the system to evaluate economic development programs as determined by the committee. The Legislative Fiscal Analyst and Director of Research shall report their findings for each subject reviewed

and any recommendations to the Legislature and the Governor. Such reports shall also be made available to the public.

Sec. 3. There is hereby appropriated to the Department of Revenue, Program 102, $20,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to aid in carrying out the provisions of this act.

Total expenditures from this appropriation for permanent and temporary salaries and per diems shall not exceed $9,700 for fiscal year 1988-89.

Sec. 4. That original section 50-702, Reissue Revised Statutes of Nebraska, 1943, and section 50-419, Revised Statutes Supplement, 1986, are repealed.".

Mr. Hefner 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 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 the Wesely motion to suspend the rules.

Voting in the affirmative, 28:

Baack	Hall	Landis	Nelson	Smith
Chambers	Hartnett	Lynch	Pirsch	Warner
Chizek	Higgins	Marsh	Schellpeper	Wehrbein
Conway	Johnson, R.	McFarland	Schmit	Wesely
Coordsen	Johnson, V.	Miller	Scofield	Withem
Dierks	Korshoj	Morehead		

Voting in the negative, 15:

Bernard-Stevens	Goodrich	Hefner	Lamb	Peterson
Beyer	Haberman	Johanns	Langford	Remmers
Elmer	Hannibal	Johnson, L.	Moore	Weihing

Present and not voting, 4:

Ashford	Barrett	Campbell	Labedz

Excused and not voting, 2:

Abboud Rogers

The Wesely motion to suspend the rules lost with 28 ayes, 15 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mrs. Marsh and Mr. Wesely offered the following amendment:
AM2900

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. In addition to any other powers granted to it by law, a city of the primary class may enter into installment contracts for the purchase of personal property. Such contracts need not be restricted to a single year and may provide for the purchase of the property in installment payments to be paid over more than one fiscal year. This section shall be in addition to and notwithstanding the provisions of a home rule charter.".

Mr. Hefner requested a ruling of the Chair on whether the Marsh-Wesely amendment is germane to the bill.

The Chair ruled the Marsh-Wesely amendment is not germane to the bill.

Mrs. Marsh moved to suspend the rules, Rule 7 Section 3(d) to permit consideration of AM2900 to LB 978.

Mr. R. Johnson 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 12 ayes, 1 nay, and 36 not voting.

Mrs. Marsh requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 31:

Ashford	Bernard-Stevens	Chizek	Dierks	Hartnett
Baack	Campbell	Conway	Elmer	Johanns
		Coordsen	Hall	Johnson, V.

Korshoj	Marsh	Pirsch	Smith	Weihing
Labedz	McFarland	Remmers	Warner	Wesely
Landis	Morehead	Schmit	Wehrbein	Withem
Lynch	Nelson	Scofield		

Voting in the negative, 10:

Barrett	Chambers	Hefner	Lamb	Miller
Beyer	Haberman	Higgins	Langford	Moore

Present and not voting, 5:

Goodrich	Hannibal	Johnson, L.	Peterson	Schellpeper

Excused and not voting, 3:

Abboud	Johnson, R.	Rogers

The Marsh motion to suspend the rules prevailed with 31 ayes, 10 nays, 5 present and not voting, and 3 excused and not voting.

The Marsh-Wesely amendment, AM2900, found in this day's Journal was considered.

The Marsh-Wesely amendment was adopted with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 1106. E & R amendment, AM5379, found in the Journal on page 1197 for the Thirty-Ninth Day was adopted.

Mr. Wesely renewed his pending amendment, AM2379, found in the Journal on page 1266.

The Wesely amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Landis renewed his pending amendment, AM2312, found in the Journal on page 1134.

Mr. Landis withdrew his pending amendment.

Mrs. Johanns asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Engrossment.

MOTION - Return LB 1160 to Select File

Mr. Warner moved to return LB 1160 to Select File for his specific amendment, AM2950, found in the Journal on page 2061.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

The Warner motion to return prevailed with 26 ayes, 5 nays, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1160. The Warner specific amendment, AM2950, found in the Journal on page 2061 was considered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The Warner specific amendment, AM2950, was adopted with 31 ayes, 7 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 1160 to Select File

Mr. Hannibal moved to return LB 1160 to Select File for the following specific amendment:
AM2961

1. Insert the following new sections:

"Sec. 2. There is hereby appropriated (1) $35,676 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $35,676 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Attorney General, for Program 507, to aid in carrying out the provisions of Legislative Bill 1089,

Ninetieth Legislature, Second Session, 1988.

Sec. 3. The appropriation to Agency 11-Attorney General, Program 507, contained in Laws 1987, LB 780, is hereby reduced by $35,676 revolving funds for FY1988-89.

Sec. 4. The appropriation to Agency 35-Nebraska Liquor Control Commission, Program 73, contained in Laws 1987, LB 780, is hereby reduced by $29,176 General Funds for FY1988-89.".

2. On page 1, line 3, after "Commission" insert "; to make appropriations to the Attorney General; and to reduce appropriations to the Attorney General and the Nebraska Liquor Control Commission".

The Hannibal motion to return prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1160. The Hannibal specific amendment, AM2961, found in this day's Journal was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 1160 to Select File

Mr. Hannibal moved to return LB 1160 to Select File for the following specific amendment:
AM2985

(Amendments to Final Reading copy)

1. On page 1, line 3, after "Commission" insert "; and to make appropriations to the Attorney General".

2. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $105,000 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $105,000 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Attorney General, for Program 507, to provide for three additional assistant attorneys general.

Total expenditures for salaries and per diems from funds appropriated in this section shall exceed

neither $90,000 for the period July 1, 1988, to June 30, 1989, nor $90,000 for the period July 1, 1989, to June 30, 1990.".

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.

The Hannibal motion to return prevailed with 27 ayes, 2 nays, 16 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1160. The Hannibal specific amendment, AM2985, found in this day's Journal was adopted with 27 ayes, 6 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 1174. The pending V. Johnson amendment found in the Journal on page 2026 was adopted with 25 ayes, 13 nays, 7 present and not voting, and 4 excused and not voting.

Mr. V. Johnson withdrew his pending amendment, AM2568, found in the Journal on page 1427.

Advanced to E & R for Re-Engrossment.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 130, 295A, 716, and 716A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 130

The following changes, required to be reported for publication in the Journal, have been made:
ER0328

1. To reflect changes made by Laws 1987, LB 773, section 7, section 1 has been replaced with section 77-2715.01, Revised Statutes Supplement, 1987.

2. On page 4, line 4, "Reissue Revised Statutes of Nebraska, 1943" has been struck and "Revised Statutes Supplement, 1987" inserted.

3. On page 1, lines 2 and 3, "Reissue Revised Statutes of Nebraska, 1943" has been struck and "Revised Statutes Supplement, 1987" inserted.

Enrollment and Review Change to LB 295A

The following changes, required to be reported for publication in the Journal, have been made:
ER0329

1. On page 1, the matter beginning with "appropriate" in line 1 through line 3 has been struck and "adopt the Protocol Act; to appropriate funds; to provide an operative date;" has been inserted.

Enrollment and Review Change to LB 716

The following changes, required to be reported for publication in the Journal, have been made:
ER0325

1. In lieu of the Warner amendment adopted April 6, 1988, in the E & R amendments, AM5432, adopted April 6, 1988:

a. The following new section has been inserted:

"Sec. 8. There is hereby appropriated (1) $1,000 from the General Fund for the period July 1, 1988, to June 30, 1989, and (2) $3,000 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Secretary of State, for Program 22, to aid in carrying out the provisions of this legislative bill.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section."; and

b. The remaining section has been renumbered accordingly.

2. On page 1, line 12, "to provide penalties;" has been inserted after the semicolon; and in line 14 "to appropriate funds;" has been inserted after the last semicolon.

Enrollment and Review Change to LB 716A

The following changes, required to be reported for publication in the Journal, have been made:
ER0324

1. The E & R amendments have been struck.

2. On page 1, the matter beginning with the first "to" in line 1 through line 3 has been struck and "relating to health care; to amend sections 71-5828 and 71-5830, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certificates of need; to harmonize provisions; and to repeal the original sections." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

SPEAKER BARRETT PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 352.

A BILL FOR AN ACT relating to administrative procedures; to amend sections 1-149, 2-1822, 2-2433, 2-3107, 2-3204, 3-140, 3-405, 8-1013, 8-1119, 15-1202 to 15-1204, 20-142, 21-1983, 24-313, 24-541.06, 25-1937, 28-433, 31-1022, 32-706, 32-707, 39-669.18, 39-2111, 39-2121, 43-707, 44-111.01, 44-127.09, 44-127.10, 44-127.19, 44-133, 44-134, 44-222.02, 44-224.09, 44-238, 44-352, 44-360, 44-367, 44-368, 44-386.07, 44-511, 44-512, 44-626, 44-711, 44-751, 44-752, 44-766, 44-1212, 44-1441, 44-1485, 44-1530, 44-1531, 44-1713, 44-2312, 44-2851, 44-2913, 44-3278, 44-3283, 44-3720, 44-4027, 45-150, 45-350, 45-605, 45-616, 46-528, 46-669, 46-685, 46-805, 48-416, 48-641, 48-1120, 49-14,131, 54-1170, 54-1706, 54-1707, 54-1904, 54-1905, 57-605, 57-913, 59-1516, 60-409.11, 60-420, 60-503, 60-1415, 60-1435, 68-1034, 69-1320, 70-806, 70-807, 71-159, 71-161.07, 71-161.16, 71-1,104.05, 71-1,147.12, 71-1,147.31, 71-235, 71-1567, 71-1725, 71-1761, 71-1916, 71-2027, 71-2045.02, 71-2506, 71-2719, 71-2817, 71-3211, 71-4609, 71-4626, 71-4630, 71-4631, 71-5113, 71-5303, 71-5517, 71-5866, 71-5907, 71-6031, 71-6310, 71-6314, 72-224.03, 76-552, 76-908, 76-1212, 77-202.07, 77-612, 77-911, 77-1239.01, 77-1775, 77-27,127, 77-27,153, 77-27,182, 79-1544, 79-2838, 81-216.33, 81-2,147.06, 81-502.04, 81-829.43, 81-885.30, 81-8,139.01, 81-8,202, 81-8,285, 81-1319, 81-1509, 81-1513, 81-15,107, 81-15,112, 81-15,122, 81-15,142, 81-1832, 81-1931, 83-109, 83-374, 83-1131, 83-1133, 84-917, and 84-919, Reissue Revised

Statutes of Nebraska, 1943, sections 2-3938, 8-1,135, 8-1506, 9-229, 9-325, 9-421, 21-328, 24-541.04, 44-10,107, 44-2406, 44-2710, 44-3110, 46-674.15, 46-1146, 46-1237, 48-638, 48-640, 48-650, 48-660.01, 53-1,116, 54-861, and 60-124, Revised Statutes Supplement, 1986, sections 2-960, 71-1,107.23, 71-3505, 71-3513, 71-3517, 77-378, 77-425, 77-1301.16, 77-1781, and 77-4020, Revised Statutes Supplement, 1987, and section 53-134, Revised Statutes Supplement, 1986, as amended by section 3, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988; to change procedures for appeals from agencies and courts and provisions relating to liquor licenses; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 44-127.11, 45-151, 45-152, 71-161, and 79-2839 to 79-2841, Reissue Revised Statutes of Nebraska, 1943, and section 48-639, Revised Statutes Supplement, 1986.

Whereupon the 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	Conway	Hefner	Lynch	Schellpeper
Ashford	Coordsen	Higgins	McFarland	Scofield
Baack	Dierks	Johnson, L.	Miller	Smith
Barrett	Elmer	Johnson, V.	Morehead	Warner
Bernard-Stevens	Goodrich	Korshoj	Nelson	Wehrbein
	Haberman	Labedz	Peterson	Weihing
Beyer	Hall	Lamb	Pirsch	Wesely
Chambers	Hannibal	Langford	Remmers	Withem
Chizek	Hartnett			

Voting in the negative, 1:

Marsh

Present and not voting, 4:

Campbell	Landis	Moore	Schmit

Excused and not voting, 3:

Johanns	Johnson, R.	Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 672.

A BILL FOR AN ACT relating to parole; to amend sections 83-1,111, 83-1,112, 83-1,114, and 83-1,115, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to parole hearings and the granting of parole; and to repeal the original sections.

Whereupon the 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	Conway	Hefner	McFarland	Schmit
Ashford	Coordsen	Higgins	Miller	Scofield
Baack	Dierks	Johnson, L.	Morehead	Smith
Barrett	Elmer	Johnson, V.	Nelson	Warner
Bernard-Stevens	Goodrich	Korshoj	Peterson	Wehrbein
	Haberman	Lamb	Pirsch	Weihing
Beyer	Hall	Langford	Remmers	Wesely
Chambers	Hannibal	Lynch	Schellpeper	Withem
Chizek	Hartnett	Marsh		

Voting in the negative, 0.

Present and not voting, 4:

Campbell	Labedz	Landis	Moore

Excused and not voting, 3:

Johanns	Johnson, R.	Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 934.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-230, 16-231, 16-246, 16-901, and 18-1303, Reissue Revised Statutes of Nebraska, 1943; to authorize the collection and removal of

garbage and refuse as prescribed; to extend the jurisdiction of cities of the first class as prescribed; to change a provision relating to membership on planning commissions; to harmonize provisions; and to repeal the orignal sections.

Whereupon the 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	Chizek	Hefner	Marsh	Schmit
Ashford	Conway	Higgins	McFarland	Scofield
Baack	Coordsen	Johnson, L.	Miller	Smith
Barrett	Dierks	Johnson, V.	Morehead	Warner
Bernard-Stevens	Elmer	Korshoj	Nelson	Wehrbein
	Goodrich	Lamb	Peterson	Weihing
Beyer	Hall	Landis	Pirsch	Wesely
Campbell	Hannibal	Langford	Remmers	Withem
Chambers	Hartnett	Lynch	Schellpeper	

Voting in the negative, 0.

Present and not voting, 3:

Haberman	Labedz	Moore

Excused and not voting, 3:

Johanns	Johnson, R.	Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1126.

A BILL FOR AN ACT relating to marriage; to amend sections 33-110, 42-104, and 42-121, Revised Statutes Supplement, 1986; to provide a fee as prescribed; to provide certain requirements for the obtaining and use of marriage licenses as prescribed; to eliminate certain restrictions relating to marriage 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, 45:

Abboud	Conway	Hefner	Lynch	Schellpeper
Ashford	Coordsen	Higgins	Marsh	Schmit
Baack	Dierks	Johnson, L.	McFarland	Scofield
Barrett	Elmer	Johnson, V.	Miller	Smith
Bernard-Stevens	Goodrich	Korshoj	Morehead	Warner
	Haberman	Labedz	Nelson	Wehrbein
Beyer	Hall	Lamb	Peterson	Weihing
Campbell	Hannibal	Landis	Pirsch	Wesely
Chambers	Hartnett	Langford	Remmers	Withem
Chizek				

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 3:

Johanns Johnson, R. Rogers

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 relating to crimes and punishments; to amend sections 28-710 to 28-713, 28-715, 28-726, 71-2052, and 71-6039, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1987; to adopt the Adult Protective Services Act; to provide penalties; to eliminate provisions relating to abuse of an incompetent or disabled person; to harmonize provisions; and to repeal the original sections, and also section 28-708, 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	Conway	Hefner	Langford	Remmers
Ashford	Coordsen	Higgins	Lynch	Schellpeper
Baack	Dierks	Johnson, L.	Marsh	Scofield
Barrett	Elmer	Johnson, R.	McFarland	Smith
Bernard-Stevens	Goodrich	Johnson, V.	Miller	Warner
	Haberman	Korshoj	Moore	Wehrbein
Beyer	Hall	Labedz	Morehead	Weihing
Campbell	Hannibal	Lamb	Nelson	Wesely
Chizek	Hartnett	Landis	Peterson	Withem

Voting in the negative, 2:

Chambers Pirsch

Present and not voting, 1:

Schmit

Excused and not voting, 2:

Johanns Rogers

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: 352, 1126, 934, and 672.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 913. With Emergency.

A BILL FOR AN ACT relating to loans; to amend section 45-1,104, Reissue Revised Statutes of Nebraska, 1943, and section 8-820, Revised Statutes Supplement, 1986; to change a provision relating to fees and costs on certain loans as prescribed; to change a provision

relating to the rejection of federal interest rate limits; 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:

Abboud	Conway	Hefner	Lynch	Rogers
Ashford	Coordsen	Johnson, L.	Marsh	Schellpeper
Baack	Dierks	Johnson, R.	McFarland	Scofield
Barrett	Elmer	Johnson, V.	Miller	Smith
Bernard-Stevens	Goodrich	Korshoj	Moore	Wehrbein
	Haberman	Labedz	Nelson	Weihing
Beyer	Hall	Lamb	Peterson	Wesely
Campbell	Hannibal	Landis	Pirsch	Withem
Chizek	Hartnett	Langford	Remmers	

Voting in the negative, 3:

Chambers	Higgins	Morehead

Present and not voting, 2:

Schmit	Warner

Excused and not voting, 1:

Johanns

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 942.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend section 48-816, Revised Statutes Supplement, 1987; to authorize bargaining units for certain school employees as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Conway	Higgins	McFarland	Schellpeper
Ashford	Coordsen	Johnson, L.	Miller	Schmit
Baack	Dierks	Johnson, R.	Moore	Scofield
Barrett	Elmer	Korshoj	Morehead	Smith
Bernard-Stevens	Goodrich	Labedz	Nelson	Warner
	Haberman	Lamb	Peterson	Wehrbein
Beyer	Hall	Landis	Pirsch	Weihing
Campbell	Hannibal	Lynch	Remmers	Wesely
Chambers	Hartnett	Marsh	Rogers	Withem
Chizek	Hefner			

Voting in the negative, 1:

Johnson, V.

Present and not voting, 1:

Langford

Excused and not voting, 1:

Johanns

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1079.

A BILL FOR AN ACT relating to state agencies; to adopt the Prompt Payment Act; to eliminate provisions relating to payment of accounts; and to repeal sections 81-1111.01 to 81-1111.03, 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	Conway	Hefner	Langford	Pirsch
Ashford	Coordsen	Higgins	Lynch	Remmers
Baack	Dierks	Johnson, L.	Marsh	Rogers
Barrett	Elmer	Johnson, R.	McFarland	Schellpeper
Bernard-Stevens	Goodrich	Johnson, V.	Miller	Scofield
Beyer	Haberman	Korshoj	Moore	Smith
Campbell	Hall	Labedz	Morehead	Wehrbein
Chambers	Hannibal	Lamb	Nelson	Weihing
Chizek	Hartnett	Landis	Peterson	Withem

Voting in the negative, 2:

Schmit	Warner

Present and not voting, 1:

Wesely

Excused and not voting, 1:

Johanns

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1079A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1079, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Bernard-Stevens	Chizek	Goodrich	Hefner
Ashford	Beyer	Conway	Haberman	Johnson, L.
Baack	Campbell	Coordsen	Hall	Johnson, R.
Barrett	Chambers	Dierks	Hannibal	Johnson, V.
		Elmer	Hartnett	Korshoj

Labedz	Marsh	Nelson	Schellpeper	Wehrbein
Lamb	McFarland	Peterson	Schmit	Weihing
Landis	Miller	Pirsch	Scofield	Wesely
Langford	Moore	Remmers	Smith	Withem
Lynch	Morehead	Rogers	Warner	

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 1:

Johanns

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1157.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1108, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to registration of securities; to provide procedures for registration of an indefinite amount of securities; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Conway	Johnson, L.	McFarland	Schellpeper
Ashford	Coordsen	Johnson, R.	Miller	Schmit
Baack	Dierks	Johnson, V.	Moore	Scofield
Barrett	Elmer	Korshoj	Morehead	Smith
Bernard-Stevens	Goodrich	Labedz	Nelson	Warner
	Haberman	Lamb	Peterson	Wehrbein
Beyer	Hall	Landis	Pirsch	Weihing
Campbell	Hannibal	Langford	Remmers	Wesely
Chambers	Hartnett	Lynch	Rogers	Withem
Chizek	Hefner	Marsh		

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 1:

Johanns

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 adoption; to amend section 43-107, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 372, Ninetieth Legislature, Second Session, 1988, section 43-109, Revised Statutes Supplement, 1986, as amended by section 2, Legislative Bill 372, Ninetieth Legislature, Second Session, 1988, and section 6, Legislative Bill 372, Ninetieth Legislature, Second Session, 1988; to state intent; to define terms; to authorize agreements relating to the exchange of information in certain adoptions; to provide powers and duties for the Department of Social Services; to provide for enforcement of such agreements; to change provisions relating to time of filing medical histories and nonconsent forms as prescribed; 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, 46:

Abboud	Chizek	Hartnett	Landis	Pirsch
Ashford	Conway	Hefner	Langford	Remmers
Baack	Coordsen	Higgins	Lynch	Rogers
Barrett	Dierks	Johnson, L.	Marsh	Schmit
Bernard-Stevens	Elmer	Johnson, R.	McFarland	Scofield
Beyer	Goodrich	Johnson, V.	Miller	Smith
Campbell	Haberman	Korshoj	Moore	Warner
Chambers	Hall	Labedz	Morehead	Wehrbein
	Hannibal	Lamb	Nelson	Weihing

Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Peterson Schellpeper

Excused and not voting, 1:

Johanns

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 301A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 301, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Conway	Hefner	Lynch	Rogers
Ashford	Coordsen	Higgins	Marsh	Schmit
Baack	Dierks	Johnson, L.	McFarland	Scofield
Barrett	Elmer	Johnson, R.	Miller	Smith
Bernard-Stevens	Goodrich	Johnson, V.	Moore	Warner
	Haberman	Korshoj	Morehead	Wehrbein
Campbell	Hall	Labedz	Nelson	Weihing
Chambers	Hannibal	Lamb	Pirsch	Wesely
Chizek	Hartnett	Landis	Remmers	Withem

Voting in the negative, 1:

Langford

Present and not voting, 3:

Beyer Peterson Schellpeper

Excused and not voting, 1:

Johanns

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 375 to Select File

Mr. Wesely moved to return LB 375 to Select File for the following specific amendment:
Strike the enacting clause.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 463, 913, 942, 1079, 1079A, 1157, 301, and 301A.

MOTION - Return LB 375 to Select File

Mr. Wesely renewed his pending motion found in this day's Journal to return LB 375 to Select File for his specific amendment.

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.

Mr. Wesely withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 375.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-705, 8-706, 8-901, 8-902, 8-1202, and 8-1206, Reissue Revised Statutes of Nebraska, 1943, sections 8-103, 8-108, and 8-903, Revised Statutes Supplement, 1986, and section 8-101, Revised Statutes Supplement, 1987; to define terms; to provide for

examinations and reports as prescribed; to change provisions relating to bank holding companies as prescribed; to provide an application procedure prior to acquisition of a bank as prescribed; to provide duties for the Director of Banking and Finance; to require submission of applications for interstate transactions as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Mr. V. Johnson requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Ashford	Conway	Hartnett	McFarland	Schmit
Baack	Elmer	Johnson, V.	Morehead	Smith
Bernard-Stevens	Goodrich	Labedz	Nelson	Warner
	Haberman	Lynch	Pirsch	Weihing
Campbell	Hall	Marsh	Remmers	Withem
Chizek	Hannibal			

Voting in the negative, 21:

Abboud	Dierks	Korshoj	Miller	Schellpeper
Barrett	Hefner	Lamb	Moore	Scofield
Beyer	Johnson, L.	Landis	Peterson	Wehrbein
Chambers	Johnson, R.	Langford	Rogers	Wesely
Coordsen				

Present and not voting, 1:

Higgins

Excused and not voting, 1:

Johanns

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: 1160 and 1174.

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 369, 884, 953, 978, 1008, 1008A, 1106, 1232, 1234, and LR 21CA.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 369

The following changes, required to be reported for publication in the Journal, have been made:
ER0330

1. On page 1, the matter beginning with "of" in line 1 through line 6 has been struck and "and villages; to amend sections 18-1201, 18-1202, and 18-1708, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the use of certain revenue; to eliminate a restriction on the location of fire engine houses or stations; to harmonize provisions; and to repeal the original sections, and also section 18-1710, Reissue Revised Statutes of Nebraska, 1943." inserted.

Enrollment and Review Change to LB 953

The following changes, required to be reported for publication in the Journal, have been made:
ER0331

1. On page 1, line 1, "irrigation" has been struck and "instream appropriations" inserted; the matter beginning with the second comma in line 3 through "for" in line 5 has been struck and "; to authorize" inserted; and in line 7 "sections" has been struck and "section" inserted.

Enrollment and Review Change to LB 978

The following changes, required to be reported for publication in the Journal, have been made:
ER0333

1. On page 1, the matter beginning with "the" in line 1 through line 6 has been struck and "cities of the primary class; to authorize

installment contracts for the purchase of personal property as prescribed." inserted.

Enrollment and Review Change to LB 1008

The following changes, required to be reported for publication in the Journal, have been made:
ER0332

1. On page 1, line 9, "to require rules and regulations relating to standards of visions;" has been inserted after the first semicolon; and in line 12 "an operative date" has been struck and "operative dates" inserted.

Enrollment and Review Change to LB 1106

The following changes, required to be reported for publication in the Journal, have been made:
ER0334

1. On page 1, the matter beginning with "State" in line 1 through line 5 has been struck and "Governor's Policy Research Office; to amend sections 81-1316 and 84-133, Reissue Revised Statutes of Nebraska, 1943; to exempt personnel of the office from the State Personnel System; to rename the office; to provide duties for the Revisor of Statutes; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 1160

The following changes, required to be reported for publication in the Journal, have been made:
ER0335

1. In AM2950, on page 2, line 2, "capital" has been struck and "capitol" inserted.

2. In lieu of amendments to the title made by AM2985, AM2961, and AM2950, on page 1, line 3, ", the Attorney General, and the Department of Administrative Services; to reduce appropriations to the Attorney General and the Nebraska Liquor Control Commission; to provide for a transfer; and to declare an emergency" has been inserted after "Commission".

Enrollment and Review Change to LB 1232

The following changes, required to be reported for publication in the Journal, have been made:
ER0321

1. In the first part of the Hall-Labedz amendment, AM2977, adopted April 6, 1988, amendment 5 has been struck because of AM2892, amendment 17.

2. In the Morehead amendment, AM2892, adopted April 5, 1988:

a. On page 1, line 8, "member responsible for the proper" has been inserted after "designated" and "member" has been struck; and

b. On page 7, line 6, "sections" has been struck and "section" inserted; and in line 7 both occurrences of "and" have been struck and "or" inserted and "31" has been struck and "32" inserted.

3. In the E & R amendment, AM5425, adopted April 5, 1988:

a. On page 34, line 23, "agent" has been struck and "agent's" inserted;

b. On page 48, line 14, "Any" has been struck and "A" inserted;

c. On page 55, line 1, the comma has been struck; and in line 3 "which" has been struck;

d. On page 67, line 13, "to establish a Gaming Commission;" has been inserted after the semicolon; and

e. On page 68, line 1, "to appropriate funds;" has been inserted after the second semicolon.

Enrollment and Review Change to LB 1234

The following changes, required to be reported for publication in the Journal, have been made:
ER0327

1. In the E & R amendments, AM5430, on page 1, line 15, "77-2716.01," has been inserted after the comma; and in line 17 "to change the amount of the standard deduction as prescribed;" has been inserted after the first semicolon.

2. In AM2959, on page 3, line 4, "6 and 9" has been struck and "6, 9, and 11" inserted.

3. On page 1, line 13, "to make an appropriation;" has been inserted after the second semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Override Veto on LB 647

Mr. Wesely and Mrs. Nelson moved that LB 647 become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Veto on LB 647A

Mr. Wesely and Mrs. Nelson moved that LB 647A become law notwithstanding the objections of the Governor.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 375.

VISITORS

Visitors to the Chamber were Dr. Nigel Bowles from Scotland; Beverly Smith and Theo White from McCool Junction; 70 fourth grade students and teacher from Field School, Columbus; and 8 juniors, seniors, and teacher from David City High School.

ADJOURNMENT

At 11:26 p.m., on a motion by Mr. Hannibal, the Legislature adjourned until 9:00 a.m., Thursday, April 7, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 7, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 7, 1988

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Mr. J. Keith Cook, Presbyterian Church of the Master, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Chambers, Conway, Elmer, Hall, R. Johnson, V. Johnson, Moore, Schellpeper, Mesdames Higgins, and Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2094, line 28, after "Hall" add "-Landis".
The Journal for the Fifty-Eighth Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1988, at 8:55 a.m., were the following bills: 352, 1126, 934, 672, 463, 913, 942, 1079, 1079A, 1157, 301, 301A, and 375.

(Signed) Pam Moravec, Enrolling Clerk

REPORT

Received annual report from the Department of Social Services concerning the Disabled Persons and Family Support Program pursuant to Section 68-1518.

MOTION - Approve Appointments

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 1817: J. Alan Cramer - Game and Parks Commission; Vernon H. Pearson - Environmental Control Council.

Voting in the affirmative, 26:

Abboud	Dierks	Johnson, L.	McFarland	Scofield
Baack	Haberman	Korshoj	Morehead	Smith
Barrett	Hannibal	Landis	Nelson	Weihing
Beyer	Hefner	Langford	Remmers	Wesely
Campbell	Johanns	Marsh	Schmit	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 12:

Bernard-Stevens	Goodrich	Lamb	Peterson	Rogers
Chizek	Hartnett	Lynch	Pirsch	Wehrbein
	Labedz	Miller		

Excused and not voting, 11:

Ashford	Elmer	Higgins	Johnson, V.	Schellpeper
Chambers	Hall	Johnson, R.	Moore	Warner
Conway				

These appointments were confirmed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Haberman moved the adoption of the report of the the Nebraska Retirement Systems Committee for the following Governor appointment found in the Journal on page 1871: Harry A. Spencer - Public Employees Retirement Board.

Voting in the affirmative, 28:

Abboud	Conway	Johnson, L.	Miller	Smith
Baack	Coordsen	Labedz	Nelson	Warner
Bernard-Stevens	Dierks	Landis	Remmers	Wehrbein
	Haberman	Lynch	Rogers	Weihing
Beyer	Hannibal	Marsh	Schmit	Wesely
Chizek	Hefner	McFarland	Scofield	

Voting in the negative, 0.

Present and not voting, 12:

Barrett	Hartnett	Lamb	Morehead	Pirsch
Campbell	Johanns	Langford	Peterson	Withem
Goodrich	Korshoj			

Excused and not voting, 9:

Ashford	Elmer	Higgins	Johnson, V.	Schellpeper
Chambers	Hall	Johnson, R.	Moore	

The appointment was confirmed with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 1913 and 1914: Robert Shapiro, M.D. - State Health Board; L. E. Voss - State Health Board; David T. Calhoun - Advisory Committee to the Departments of Public Institutions, Social Services, and Correctional Services; Stuart L. Wheeler - Advisory Committee to the Departments of Public Institutions, Social Services, and Correctional Services; Deborah McBride - Foster Care Review Board; Richard F. Forrestor - Foster Care Review Board.

Voting in the affirmative, 26:

Abboud	Dierks	Johnson, L.	McFarland	Schmit
Baack	Goodrich	Labedz	Miller	Warner
Barrett	Hannibal	Landis	Nelson	Wehrbein
Beyer	Hartnett	Lynch	Remmers	Weihing
Chizek	Hefner	Marsh	Rogers	Wesely
Conway				

Voting in the negative, 0.

Present and not voting, 14:

Bernard-Stevens	Coordsen	Korshoj	Morehead	Scofield
Campbell	Haberman	Lamb	Peterson	Smith
	Johanns	Langford	Pirsch	Withem

Excused and not voting, 9:

Ashford	Elmer	Higgins	Johnson, V.	Schellpeper
Chambers	Hall	Johnson, R.	Moore	

These appointments were confirmed with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 1917: Donald D. Vogel - Environmental Control Council.

Voting in the affirmative, 27:

Baack	Conway	Johanns	Marsh	Schmit
Barrett	Dierks	Johnson, L.	McFarland	Smith
Bernard-Stevens	Goodrich	Korshoj	Miller	Wehrbein
	Hannibal	Lamb	Nelson	Weihing
Beyer	Hartnett	Landis	Remmers	Wesely
Chizek	Hefner	Lynch		

Voting in the negative, 0.

Present and not voting, 13:

Abboud	Haberman	Morehead	Rogers	Warner
Campbell	Labedz	Peterson	Scofield	Withem
Coordsen	Langford	Pirsch		

Excused and not voting, 9:

Ashford	Elmer	Higgins	Johnson, V.	Schellpeper
Chambers	Hall	Johnson, R.	Moore	

The appointment was confirmed with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Hefner moved the adoption of the report of the Revenue Committee for the following Governor appointment found in the Journal on page 2083: John M. Boehm - Tax Commissioner.

Voting in the affirmative, 27:

Abboud	Conway	Johnson, L.	Miller	Scofield
Baack	Coordsen	Korshoj	Morehead	Smith
Bernard-Stevens	Dierks	Lamb	Remmers	Warner
	Goodrich	Landis	Rogers	Weihing
Beyer	Hartnett	Marsh	Schmit	Wesely
Chizek	Hefner	McFarland		

Voting in the negative, 0.

Present and not voting, 13:

Barrett	Hannibal	Langford	Peterson	Wehrbein
Campbell	Johanns	Lynch	Pirsch	Withem
Haberman	Labedz	Nelson		

Excused and not voting, 9:

Ashford	Elmer	Higgins	Johnson, V.	Schellpeper
Chambers	Hall	Johnson, R.	Moore	

The appointment was confirmed with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

MOTION - Suspend Rules

Mr. Lynch moved to suspend the rules, Rule 4, Section 5, and adopt LRs 326, 327, 328, 329, 333, 334, 330, 340, 341, 342, 345, 347, 348, 349, 368, 422, 430, 431, 331, 338, 339, and 377.

The Lynch motion to suspend the rules and adopt the resolutions prevailed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

MOTION - Suspend Rules

Mr. Lynch moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of those bills on today's agenda on Final Reading.

The Lynch motion to suspend the rules prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 88. Passed over.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 684.

A BILL FOR AN ACT relating to collective bargaining; to amend section 81-1373, Reissue Revised Statutes of Nebraska, 1943, and section 48-816, Revised Statutes Supplement, 1987, as amended by section 1, Legislative Bill 519, Ninetieth Legislature, Second Session, 1988; to change a provision relating to membership in a bargaining unit; 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	Conway	Johnson, L.	McFarland	Schellpeper
Ashford	Coordsen	Johnson, R.	Miller	Schmit
Baack	Dierks	Korshoj	Moore	Scofield
Barrett	Goodrich	Labedz	Morehead	Smith
Bernard-Stevens	Hall	Lamb	Nelson	Warner
	Hannibal	Landis	Peterson	Wehrbein
Beyer	Hartnett	Langford	Pirsch	Weihing
Campbell	Hefner	Lynch	Remmers	Wesely
Chizek	Johanns	Marsh	Rogers	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Elmer	Haberman	Higgins	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 987. With Emergency.

A BILL FOR AN ACT relating to commercial transactions; to amend sections 9-414 and 9-420, Uniform Commercial Code; to provide for a master lien list as prescribed; to provide duties for the Secretary of State; to limit liability as prescribed; to provide a fee; to provide for the waiver or release of a portion of a lien as prescribed; to provide rules and regulations; to provide liability for refusal to endorse checks or other instruments and for harassment, frivolous actions, and other improper conduct as prescribed; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Conway	Johnson, L.	Miller	Schellpeper
Ashford	Coordsen	Johnson, R.	Moore	Schmit
Baack	Dierks	Labedz	Morehead	Scofield
Barrett	Elmer	Lamb	Nelson	Smith
Bernard-Stevens	Hall	Landis	Peterson	Warner
Beyer	Hannibal	Langford	Pirsch	Wehrbein
Campbell	Hartnett	Lynch	Remmers	Weihing
Chizek	Hefner	Marsh	Rogers	Wesely
	Johanns	McFarland		

Voting in the negative, 1:

Goodrich

Present and not voting, 2:

Korshoj Withem

Excused and not voting, 4:

Chambers Haberman Higgins 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 987A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 987, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Conway	Johnson, L.	Moore	Schmit
Ashford	Coordsen	Johnson, R.	Morehead	Scofield
Baack	Dierks	Labedz	Nelson	Smith
Barrett	Elmer	Lamb	Peterson	Warner
Bernard-Stevens	Hall	Landis	Pirsch	Wehrbein
	Hannibal	Lynch	Remmers	Weihing
Beyer	Hartnett	Marsh	Rogers	Wesely
Campbell	Hefner	McFarland	Schellpeper	Withem
Chizek	Johanns	Miller		

Voting in the negative, 1:

Goodrich

Present and not voting, 2:

Korshoj Langford

Excused and not voting, 4:

Chambers Haberman Higgins Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 419.

A BILL FOR AN ACT relating to medical assistance; to amend sections 28-705, 28-706, 68-150, 68-214, 68-716, 68-1026, and 68-1509, Reissue Revised Statutes of Nebraska, 1943; to define terms; to authorize entitlements to assets and income for a spouse as prescribed; to provide powers and 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, 44:

Ashford	Coordsen	Johanns	Marsh	Schellpeper
Baack	Dierks	Johnson, L.	McFarland	Schmit
Barrett	Elmer	Johnson, R.	Miller	Scofield
Bernard-Stevens	Goodrich	Korshoj	Moore	Smith
	Haberman	Labedz	Nelson	Warner
Beyer	Hall	Lamb	Peterson	Wehrbein
Campbell	Hannibal	Landis	Pirsch	Weihing
Chizek	Hartnett	Langford	Remmers	Wesely
Conway	Hefner	Lynch	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Abboud Morehead

Excused and not voting, 3:

Chambers Higgins Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 419A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 419, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Conway	Hefner	Marsh	Schellpeper
Ashford	Coordsen	Johanns	McFarland	Schmit
Baack	Dierks	Johnson, L.	Miller	Scofield
Barrett	Elmer	Johnson, R.	Moore	Warner
Bernard-Stevens	Goodrich	Korshoj	Nelson	Wehrbein
	Haberman	Labedz	Peterson	Weihing
Beyer	Hall	Lamb	Pirsch	Wesely
Campbell	Hannibal	Landis	Remmers	Withem
Chizek	Hartnett	Lynch	Rogers	

Voting in the negative, 0.

Present and not voting, 3:

Langford	Morehead	Smith

Excused and not voting, 3:

Chambers	Higgins	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 823. With Emergency.

A BILL FOR AN ACT relating to school buses; to amend sections 75-109, 75-303, and 79-487, Reissue Revised Statutes of Nebraska, 1943, and section 60-329, Revised Statutes Supplement, 1986; to permit the use of school buses by certain organizations as prescribed; to exempt such use from regulation by the Public Service Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Mr. Haberman requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Ashford	Dierks	Johnson, R.	Miller	Schmit
Baack	Elmer	Labedz	Moore	Smith
Bernard-Stevens	Hall	Lamb	Morehead	Wehrbein
Campbell	Hartnett	Landis	Nelson	Weihing
Chizek	Hefner	Langford	Pirsch	Wesely
Conway	Johanns	Lynch	Remmers	Withem
	Johnson, L.	McFarland	Rogers	

Voting in the negative, 12:

Abboud	Coordsen	Hannibal	Peterson	Scofield
Barrett	Goodrich	Marsh	Schellpeper	Warner
Beyer	Haberman			

Present and not voting, 1:

Korshoj

Excused and not voting, 3:

Chambers Higgins 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 890. With Emergency.

A BILL FOR AN ACT relating to nursing; to amend sections 85-943 and 85-948, Reissue Revised Statutes of Nebraska, 1943; to eliminate the associate degree program in nursing at the University of Nebraska; to change provisions relating to an advisory committee; to require a plan as prescribed; 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	Conway	Hefner	Marsh	Rogers
Ashford	Coordsen	Johnson, L.	McFarland	Schellpeper
Baack	Dierks	Johnson, R.	Miller	Schmit
Barrett	Elmer	Korshoj	Moore	Scofield
Bernard-Stevens	Goodrich	Labedz	Morehead	Smith
	Haberman	Lamb	Nelson	Warner
Beyer	Hall	Landis	Peterson	Wesely
Campbell	Hannibal	Langford	Pirsch	Withem
Chizek	Hartnett	Lynch	Remmers	

Voting in the negative, 0.

Present and not voting, 3:

Johanns	Wehrbein	Weihing

Excused and not voting, 3:

Chambers	Higgins	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.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 1013.

A BILL FOR AN ACT relating to the care of children; to amend sections 71-1911 and 79-444, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1912 and 71-1915, Revised Statutes Supplement, 1987; to provide for additional licensing specialists; to provide requirements for rules and regulations on child care; to require hearings on rules and regulations as prescribed; to change a provision requiring a hearing; to authorize schools to provide and charge for certain programs; 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, 45:

Abboud	Coordsen	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Miller	Schmit
Baack	Goodrich	Korshoj	Moore	Scofield
Barrett	Haberman	Labedz	Morehead	Smith
Bernard-Stevens	Hall	Lamb	Nelson	Warner
Beyer	Hannibal	Landis	Peterson	Wehrbein
Campbell	Hartnett	Langford	Pirsch	Weihing
Chizek	Hefner	Lynch	Remmers	Wesely
Conway	Johanns	Marsh	Rogers	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Dierks	Higgins	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1013A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1013, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Conway	Johanns	McFarland	Schmit
Ashford	Coordsen	Johnson, L.	Miller	Scofield
Baack	Elmer	Johnson, R.	Moore	Smith
Barrett	Goodrich	Korshoj	Morehead	Warner
Bernard-Stevens	Haberman	Labedz	Nelson	Wehrbein
Beyer	Hall	Lamb	Peterson	Weihing
Campbell	Hannibal	Landis	Pirsch	Wesely
Chizek	Hartnett	Lynch	Remmers	Withem
	Hefner	Marsh	Schellpeper	

Voting in the negative, 0.

Present and not voting, 2:

Langford Rogers

Excused and not voting, 4:

Chambers Dierks Higgins Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 90.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1917, Reissue Revised Statutes of Nebraska, 1943; to state intent; to authorize the taking of videotape depositions and in camera testimony of certain children as prescribed; to define a term; to authorize rules of procedure; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Conway	Johnson, R.	Moore	Schmit
Ashford	Coordsen	Labedz	Morehead	Scofield
Baack	Elmer	Lamb	Nelson	Smith
Barrett	Goodrich	Landis	Peterson	Warner
Bernard-Stevens	Hall	Langford	Pirsch	Wehrbein
	Hannibal	Lynch	Remmers	Weihing
Beyer	Hartnett	Marsh	Rogers	Wesely
Campbell	Hefner	Miller	Schellpeper	Withem
Chizek	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 4:

Haberman Johanns Korshoj McFarland

Excused and not voting, 4:

Chambers Dierks Higgins Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 445.

A BILL FOR AN ACT relating to water; to adopt the Water Quality Monitoring Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Conway	Johnson, L.	McFarland	Schellpeper
Ashford	Coordsen	Johnson, R.	Miller	Schmit
Baack	Elmer	Korshoj	Moore	Scofield
Barrett	Goodrich	Labedz	Morehead	Smith
Bernard-Stevens	Hall	Lamb	Nelson	Warner
	Hannibal	Landis	Peterson	Wehrbein
Beyer	Hartnett	Langford	Pirsch	Weihing
Campbell	Hefner	Lynch	Remmers	Wesely
Chizek	Johanns	Marsh	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Excused and not voting, 4:

Chambers Dierks Higgins Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 664.

A BILL FOR AN ACT relating to agriculture; to adopt the Farm Mediation Act; to provide a termination date; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Chizek	Johnson, R.	Moore	Schmit
Ashford	Conway	Korshoj	Morehead	Scofield
Baack	Coordsen	Labedz	Nelson	Smith
Barrett	Hannibal	Lamb	Peterson	Warner
Bernard-Stevens	Hartnett	Landis	Pirsch	Wehrbein
	Hefner	Lynch	Remmers	Weihing
Beyer	Johanns	Marsh	Rogers	Wesely
Campbell	Johnson, L.	Miller	Schellpeper	Withem

Voting in the negative, 2:

Goodrich	McFarland

Present and not voting, 4:

Elmer	Haberman	Hall	Langford

Excused and not voting, 4:

Chambers	Dierks	Higgins	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 664A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 664, Ninetieth Legislature, Second Session, 1988; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Conway	Johnson, R.	Miller	Schmit
Ashford	Coordsen	Korshoj	Moore	Scofield
Baack	Elmer	Labedz	Morehead	Smith
Barrett	Goodrich	Lamb	Nelson	Warner
Bernard-Stevens	Hannibal	Landis	Peterson	Wehrbein
	Hartnett	Langford	Pirsch	Weihing
Beyer	Hefner	Lynch	Remmers	Wesely
Campbell	Johanns	Marsh	Rogers	Withem
Chizek	Johnson, L.	McFarland	Schellpeper	

Voting in the negative, 0.

Present and not voting, 2:

Haberman Hall

Excused and not voting, 4:

Chambers Dierks Higgins 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 703. With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend sections 77-2318.01, 77-2320, and 77-2326.04 to 77-2326.08, Reissue Revised Statutes of Nebraska, 1943, and section 8-157, Revised Statutes Supplement, 1987; to change provisions relating to the establishment of auxiliary offices and the acquisition of banks as prescribed; to authorize depository banks to pledge or grant security interests in certain assets, bonds, and securities 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, 42:

Abboud	Conway	Johanns	McFarland	Schmit
Ashford	Coordsen	Johnson, L.	Moore	Scofield
Baack	Elmer	Johnson, R.	Morehead	Smith
Barrett	Goodrich	Labedz	Nelson	Warner
Bernard-Stevens	Hall	Lamb	Peterson	Wehrbein
	Hannibal	Landis	Pirsch	Weihing
Beyer	Hartnett	Langford	Remmers	Wesely
Campbell	Hefner	Lynch	Schellpeper	Withem
Chizek	Higgins	Marsh		

Voting in the negative, 0.

Present and not voting, 4:

Haberman	Korshoj	Miller	Rogers

Excused and not voting, 3:

Chambers	Dierks	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 766. With Emergency.

A BILL FOR AN ACT relating to environmental protection; to adopt the Wastewater Treatment Facilities Construction Assistance Act; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Chizek	Hartnett	Langford	Peterson
Ashford	Conway	Hefner	Lynch	Pirsch
Baack	Coordsen	Johanns	Marsh	Remmers
Barrett	Dierks	Johnson, L.	McFarland	Rogers
Bernard-Stevens	Elmer	Korshoj	Miller	Schellpeper
	Goodrich	Labedz	Moore	Schmit
Beyer	Hall	Lamb	Morehead	Scofield
Campbell	Hannibal	Landis	Nelson	Smith

Warner Wehrbein Weihing Wesely Withem

Voting in the negative, 0.

Present and not voting, 3:

Haberman Higgins Johnson, R.

Excused and not voting, 2:

Chambers 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 766A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 766, Ninetieth Legislature, Second Session, 1988; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Conway	Johanns	McFarland	Schellpeper
Ashford	Dierks	Johnson, L.	Miller	Schmit
Baack	Elmer	Korshoj	Moore	Scofield
Barrett	Goodrich	Labedz	Morehead	Smith
Bernard-Stevens	Hall	Lamb	Nelson	Warner
	Hannibal	Landis	Peterson	Wehrbein
Beyer	Hartnett	Langford	Pirsch	Wesely
Campbell	Hefner	Lynch	Remmers	Withem
Chizek	Higgins	Marsh	Rogers	

Voting in the negative, 0.

Present and not voting, 4:

Coordsen Haberman Johnson, R. Weihing

Excused and not voting, 2:

Chambers 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 833. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-671, 60-110, and 60-2410, Reissue Revised Statutes of Nebraska, 1943, and section 18-1740, Revised Statutes Supplement, 1987; to change provisions relating to the remittance of parking permit fees to the Department of Motor Vehicles; to provide liens for towing and storage fees as prescribed; to change a provision relating to the cancellation of liens on motor vehicles; 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	Coordsen	Johanns	McFarland	Schellpeper
Ashford	Dierks	Johnson, L.	Miller	Schmit
Baack	Elmer	Korshoj	Moore	Scofield
Barrett	Goodrich	Labedz	Morehead	Smith
Bernard-Stevens	Hall	Lamb	Nelson	Warner
	Hannibal	Landis	Peterson	Wehrbein
Beyer	Hartnett	Langford	Pirsch	Weihing
Campbell	Hefner	Lynch	Remmers	Wesely
Chizek	Higgins	Marsh	Rogers	Withem
Conway				

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Haberman Johnson, R.

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 835. With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-801, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to replatting in Class III school districts as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Conway	Johanns	McFarland	Schellpeper
Ashford	Coordsen	Johnson, L.	Miller	Schmit
Baack	Dierks	Korshoj	Moore	Scofield
Barrett	Elmer	Labedz	Morehead	Smith
Bernard-Stevens	Goodrich	Lamb	Nelson	Warner
Beyer	Hall	Landis	Peterson	Wehrbein
Campbell	Hannibal	Langford	Pirsch	Weihing
Chambers	Hartnett	Lynch	Remmers	Wesely
Chizek	Hefner	Marsh	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 3:

Haberman	Higgins	Johnson, R.

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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 684, 987, 987A, 419, 419A, 823, 890, 1013, 1013A, 90, 445, 664, 664A, and 703.

UNANIMOUS CONSENT - Member Excused

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 855 to Select File

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 20 and in line 15 strike "and" and after "1990" insert through 2007.

The Higgins motion to return lost with 2 ayes, 14 nays, 31 present and not voting, and 2 excused and not voting.

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 19 and in line 15 strike "and" and after "1990" insert through 2006.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Higgins motion to return lost with 2 ayes, 6 nays, 38 present and not voting, and 3 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 766, 766A, 833, and 835.

UNANIMOUS CONSENT - Members Excused

Mrs. Nelson and Mr. Miller asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 855 to Select File

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 18 and in line 15 strike "and" and after "1990" insert through 2005.

The Higgins motion to return lost with 2 ayes, 4 nays, 39 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 435. Introduced by Wesely, 26th District.

WHEREAS, the Nebraska Wesleyan University mens basketball team participated in the NCAA National Basketball Tournament and won third place in Division III; and

WHEREAS, the team has placed in the top four places in their division three times in the last four years; and

WHEREAS, the team finished the season with a 24-6 record; and

WHEREAS, Coach Jerry Schmutte has a 153-69 record in his eighth year at Nebraska Wesleyan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend congratulations to the Nebraska Wesleyan University mens basketball team.

2. That a copy of this resolution be sent to the team in care of Coach Schmutte.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1988, at 11:10 a.m., were the following bills: 684, 987, 987A, 419, 419A, 823, 890, 1013, 1013A, 90, 445, 664, 664A, and 703.

(Signed) Pam Moravec, Enrolling Clerk

APPROPRIATIONS COMMITTEE REPORT

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the line item vetoes of LB 1041.

Upon review, the Appropriations Committee by majority vote recommends override of the Governor's line item vetoes contained in Section 79, subsection (2), of $220,000 for planning of renovation of vacated Capitol space and in Section 79, subsection (3), of $30,000 for the competition and plan development for the completion of the mural program in the State Capitol.

Pursuant to Rule 6, Section 14, the Appropriations Committee by majority vote moves that the Legislature override the Governor's line item reduction in Section 79, subsection (2), of $220,000 for planning of the renovation of vacated Capitol space and in Section 79, subsection (3), of $30,000 for the competition and planning for the completion of the Capitol murals.

(Signed) Jerome Warner, Chairperson

MOTION - Override Line-Item Veto on LB 1041

Mr. Weihing moved that pursuant to Rule 6, Section 14, the Legislature override the Governor's line item reduction in Section 44, of $88,261 for public radio.

Laid over.

MOTION - Override Line-Item Veto on LB 1041

Mrs. Pirsch moved to override the Governor's line-item veto of LB 1041:

Agency No. 78 Program No. 201 - Crime Victim-Witness Assistance and Program No. 202 - Crime Victim's Reparations Committee.

Laid over.

MOTION - Override Line-Item Veto on LB 1041

Mrs. Morehead and Mr. Withem moved to override the Governor's veto of LB 1041, Section 59 (1), which would restore FY88' - 89' $50,000 general funds to program no. 649 of the Nebraska Arts

Council to match federal funds for the Arts in schools Basic Education Implementation Grant

AND Section 59 (2), which would restore FY88' - 89' general funds to Program 327 of the Nebraska Arts Council which would aid to provide for year - long program grants, with not less than thirty percent of the funds awarded by the Nebraska Arts Council from this appropriation shall be granted to qualified arts organizations based in locations other than cities of the metropolitan or primary class.

Laid over.

MOTION - Override Line-Item Veto on LB 1041

Mrs. Nelson moved to override the Governor's line-item veto in LB 1041 for Section 32, Agency No. 13--State Department of Education, Program No. 293--Adult Education in the amount of 200,000.

Laid over.

MOTION - Override Line-Item Veto on LB 1041

Mr. R. Johnson moved to override the Governor's line-item veto of LB 1041 in Section 44, to provide funding for Public Radio.

Laid over.

MOTION - Override Line-Item Veto on LB 1041

Mr. Lynch moved that LB 1041 become law notwithstanding the line-item vetoes therein.

Laid over.

MOTION - Override Line-Item Veto on LB 1041

Mr. Hall moved to override the Governor's line item veto of LB 1041, section 42, Agency 46, Program 360 for the Department of Corrections: to appropriate $5000 from the General Fund for FY 1988 for the purpose of conducting a feasibility study on expanding the visitation facilities at the Omaha Correctional Center, the Nebraska State Penitentiary, and the Nebraska Center for Women at York.

Laid over.

MOTION - Override Line-Item Veto on LB 1041

Mesdames Labedz, Higgins, Messrs. Remmers, Baack, Schmit, Barrett, Chambers, and Haberman moved that pursuant to Rule 6, Section 14, the Legislature override the Governor's line item reduction in Section 27, of $84,980 for purchase of computer equipment for the Legislative Council; Section 79, subsection (1) of $82,000 for excavation of space in the Capitol basement.

Laid over.

MOTION - Override Line-Item Veto on LB 1041

Mr. Schmit moved that pursuant to Rule 6, Section 14, the Legislature override the Governor's line item reduction in Section 83, of $38,000 for the State Historical Society for plans to develop the Bongers Museum.

Laid over.

MOTION - Override Line-Item Veto on LB 1041

Messrs. Hefner and Wesely moved that pursuant to Rule 6, Section 14, the Legislature override the Governor's line item reduction in Section 79, subsection(s) (3) of $30,000 for development of plans and conducting a competition to select art work to complete the mural program for the State Capitol as conceptualized by Dr. Hartley Burn Alexander.

Laid over.

MOTION - Return LB 855 to Select File

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 17 and in line 15 strike "and" and after "1990" insert through 2004.

Mr. Coordsen and Mrs. Johanns asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. LABEDZ PRESIDING

The Higgins motion to return lost with 2 ayes, 9 nays, 32 present and not voting, and 6 excused and not voting.

Mesdames Morehead, Campbell, Messrs. Withem, Barrett, and Baack asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Higgins moved to return LB 885 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 16 and in line 15 strike "and" and after "1990" insert through 2003.

Pending.

MESSAGES FROM THE GOVERNOR

April 6, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 305, 305A, 1105, 1105A and 1165 were received in my office on April 5, 1988.

These bills were signed by me on April 6, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 38, 229, 229A, 551, 551A, 673, 673A, 764, 764A, 836, 836A, 1012, 1012A and 1117 were received in my office on March 31, 1988.

These bills were signed by me on April 6, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 436. Introduced by Bernard-Stevens, 42nd District; Schellpeper, 18th District.

WHEREAS, the State of Nebraska recognizes tourism as its third largest industry; and

WHEREAS, tourism employment has been expanding since 1980, and tourism directly employs over thirty-five thousand Nebraskans; and

WHEREAS, tourism is one of the largest providers of seasonal employment for teachers and students; and

WHEREAS, the United States Commerce Department has called the matter of pre-Labor Day school openings "one of the biggest problems facing tourism today"; and

WHEREAS, other states have experienced a twenty-five percent increase in tourism during the last two weeks of August after adopting a post-Labor Day school opening requirement; and

WHEREAS, a post-Labor Day school opening requirement would retain flexibility regarding school closing dates by permitting adjustments with instructional or vacation time.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages schools to adopt post-Labor Day or September 1st opening dates.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1988, at 11:50 a.m., were the following bills: 766, 766A, 833, and 835.

(Signed) Pam Moravec, Enrolling Clerk

MOTION - Recess

Mrs. Higgins moved to recess until 1:30 p.m.

Mrs. Higgins requested a roll call vote on her motion to recess.

Voting in the affirmative, 15:

Beyer	Hall	Korshoj	Miller	Schellpeper
Chambers	Hartnett	Labedz	Moore	Schmit
Dierks	Higgins	Lamb	Rogers	Wehrbein

Voting in the negative, 20:

Abboud	Conway	Johnson, L.	Langford	Remmers
Ashford	Elmer	Johnson, R.	Lynch	Warner
Bernard-Stevens	Goodrich	Johnson, V.	Marsh	Weihing
Chizek	Hannibal	Landis	McFarland	Wesely

Present and not voting, 2:

Scofield Smith

Absent and not voting, 3:

Haberman Hefner Pirsch

Excused and not voting, 9:

Baack	Campbell	Johanns	Nelson	Withem
Barrett	Coordsen	Morehead	Peterson	

The Higgins motion to recess lost with 15 ayes, 20 nays, 2 present and not voting, 3 absent and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Lamb, Elmer, Hartnett, Haberman, Schellpeper, Rogers, Schmit, Remmers, Wehrbein, Conway, Beyer, Mesdames Smith, and Langford asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 855 to Select File

The pending Higgins motion to return LB 855 to Select File for her specific amendment found in this day's Journal, was renewed.

The Higgins motion to return lost with 2 ayes, 5 nays, 20 present and not voting, and 22 excused and not voting.

Messrs. Dierks and Miller asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 15 and in line 15 strike "and" and after "1990" insert through 2002.

Messrs. R. Johnson and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

The Higgins motion to return lost with 2 ayes, 6 nays, 14 present and not voting, and 27 excused and not voting.

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 14 and in line 15 strike "and" and after "1990" insert through 2001.

The Higgins motion to return lost with 3 ayes, 6 nays, 13 present and not voting, and 27 excused and not voting.

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 13 and in line 15 strike "and" and after "1990" insert through 2000.

MR. HANNIBAL PRESIDING

Messrs. Withem, Chizek, V. Johnson, Peterson, and Korshoj asked unanimous consent to be excused until they return. No objections. So ordered.

The Higgins motion to return lost with 1 aye, 4 nays, 17 present and not voting, and 27 excused and not voting.

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 12 and in line 15 strike "and" and after "1990" insert through 1999.

The Higgins motion to return lost with 1 aye, 5 nays, 18 present and not voting, and 25 excused and not voting.

VISITORS

Visitors to the Chamber were 24 fourth grade students and teacher from Shelby Public School; 17 juniors, seniors, and teacher from Greeley High School; 8 members from the Mayor's Committee for International Friendship from Colombia, India, Israel, Pakistan, Philippines, Zambia, Botswana, and New York; 38 eighth grade students and teacher from Our Lady of Lourdes, Omaha; Bob Rothwell from Lincoln; 3 eighth grade students and teacher from St. Michael's School, Albion; 90 fourth grade students and teachers from Field Club School, Omaha; 60 fourth grade students and teacher from Field Club Elementary School, Omaha; 27 seventh and eighth grade students and sponsor from St. Libory's School; 11 students from Kearney State College; 9 members of Inland Community Homemakers; 42 fourth grade students and teachers from Meadows Elementary School, Ralston; 12 fourth grade students, teacher, and sponsor from Lincoln Christian School; and 15 UNL students and sponsor from across the state.

MOTION - Recess

Mrs. Labedz moved to recess until 2:15 p.m. The motion prevailed, and at 1:50 p.m., on a motion by Mrs. Labedz the Legislature recessed until 2:15 p.m.

AFTER RECESS

The Legislature reconvened at 2:15 p.m., Mr. Hannibal presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Barrett, Chambers, Chizek, Conway, Haberman, Hartnett, V. Johnson, Lamb, Landis, Lynch, McFarland, Peterson, Remmers,

Schmit, Wesely, Mesdames Langford, Morehead, and Smith who were excused until they arrive.

MOTION - Return LB 855 to Select File

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 11 and in line 15 strike "and" and after "1990" insert through 1998.

PRESIDENT NICHOL PRESIDING

The Higgins motion to return lost with 1 aye, 9 nays, 23 present and not voting, and 16 excused and not voting.

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 10 and in line 15 strike "and" and after "1990" insert through 1997.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

The Higgins motion to return lost with 2 ayes, 6 nays, 24 present and not voting, and 17 excused and not voting.

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 9 and in line 15 strike "and" and after "1990" insert through 1996.

The Higgins motion to return lost with 2 ayes, 3 nays, 27 present and not voting, and 17 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 437. Introduced by Pirsch, 10th District.

WHEREAS, criminal violence preys on millions of Americans every year; and

WHEREAS, victims of crime and their families and friends often suffer grave financial, physical, and emotional injury; and

WHEREAS, special victim groups such as racial minority victims, victims of hate crimes, elderly victims, child victims, surviving relatives of homicide victims, victims of drunk driving, sexual assault victims, spouse abuse victims, catastrophic physical injury victims, and burglary victims are often underserved in many of our communities; and

WHEREAS, all victims share a common bond of suffering and survival; and

WHEREAS, all citizens of the United States deserve to be treated with dignity, compassion, and justice in times of distress; and

WHEREAS, thousands of our fellow citizens, in their work and their volunteer activities, are devoting themselves to bringing a full measure of dignity, compassion, and justice to those of our family, friends, and neighbors who fall victim to crime.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature designates and proclaims the week of April 17 to 23, 1988, as Victim Rights Week in Nebraska.

2. That the Legislature urges all citizens and institutions, public and private, to support the establishment and enforcement of victim rights in Nebraska through participation in state and local activities commemorating those rights.

3. That the Legislature urges all citizens and institutions to assist their local programs of victim assistance in every appropriate way to continue and expand their mission to help victims of crime.

Laid over.

LEGISLATIVE RESOLUTION 438. Introduced by Hall, 7th District.

WHEREAS, the University of Nebraska at Omaha has grown into a modern, functional, and beautiful campus through the generosity of private citizens, corporations, foundations, and the State of Nebraska; and

WHEREAS, the University of Nebraska at Omaha serves more than fifteen thousand students in the classroom and is at the heart of Nebraska's business enterprises, fine arts, government, and community development programs as demonstrated by its effective research and public service initiatives; and

WHEREAS, the University of Nebraska at Omaha has prepared a major, family-oriented open house on April 23 and 24, 1988, to

showcase its campus and programs in an entertaining and informative weekend for visitors; and

WHEREAS, "Celebrate UNO!" is sponsored by AT&T and is part of the observance of "Celebrate Nebraska '88," a year-long celebration of Nebraska's heritage, communities, resources, and people.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature shares a sense of pride in the growth and accomplishments of the University of Nebraska at Omaha.

2. That the Legislature endorses "Celebrate UNO!," encourages Nebraskans to visit the campus during the weekend of April 23 and 24, and extends its best wishes to the University of Nebraska at Omaha for a successful celebration.

3. That a copy of this resolution be sent to Dr. Del Weber, Chancellor, as representative of the faculty, staff, and students of the University of Nebraska at Omaha who have contributed so unselfishly of their time and energy to prepare a warm welcome for the public on April 23 and 24.

Laid over.

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

David A. Stubbs - Nebraska Safety Center Advisory Council

Voting Aye: Senators Withem, Dierks, McFarland, Chizek, Nelson. Voting nay: None. Absent: Senators Baack, Peterson.

(Signed) Ron Withem, Chairperson

MOTION - Override Line-Item Veto on LB 1041

Mesdames Labedz, Marsh, Messrs. Wesely, and Chizek moved that pursuant to Rule 6, Section 14, the Legislature override the Governor's line item reduction in Section 16, subsection 4 of $352,940 in FY1988-89 for protective custody services in Region V and assistance for Douglas County Hospital.

Laid over.

MOTION - Return LB 855 to Select File

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 8 and in line 15 strike "and" and after "1990" insert through 1995.

The Higgins motion to return lost with 2 ayes, 3 nays, 27 present and not voting, and 17 excused and not voting.

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 7 and in line 15 strike "and" and after "1990" insert through 1994.

The Higgins motion to return lost with 2 ayes, 3 nays, 28 present and not voting, and 16 excused and not voting.

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert 6 and in line 15 strike "and" and after "1990" insert through 1993.

The Higgins motion to return lost with 2 ayes, 4 nays, 28 present and not voting, and 15 excused and not voting.

Mrs. Higgins moved to return LB 855 to Select File for the following specific amendment:

1. On page 2, line 7, strike "three" and insert "five" and in line 15 strike "and" and after "1990" insert ", 1991, and 1992".

The Higgins motion to return lost with 2 ayes, 3 nays, 29 present and not voting, and 15 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 855. With Emergency.

A BILL FOR AN ACT relating to insurance companies; to amend section 77-907, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1987; to provide for an assessment; to exempt annuity contracts from taxation as prescribed; to redefine a term; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud	Conway	Hartnett	Landis	Pirsch
Ashford	Coordsen	Hefner	Langford	Remmers
Baack	Dierks	Johanns	Marsh	Scofield
Bernard-Stevens	Elmer	Johnson, L.	Miller	Smith
	Goodrich	Johnson, R.	Moore	Wehrbein
Beyer	Haberman	Johnson, V.	Morehead	Weihing
Campbell	Hall	Labedz	Nelson	Wesely
Chizek	Hannibal	Lamb	Peterson	Withem

Voting in the negative, 2:

Chambers Higgins

Present and not voting, 5:

Korshoj McFarland Rogers Schellpeper Warner

Excused and not voting, 3:

Barrett Lynch 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.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 858.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-355, Revised Statutes Supplement, 1987; to change a date 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	Coordsen	Johanns	Marsh	Rogers
Ashford	Dierks	Johnson, L.	McFarland	Schellpeper
Baack	Elmer	Johnson, R.	Miller	Scofield
Bernard-Stevens	Goodrich	Johnson, V.	Moore	Smith
Beyer	Haberman	Korshoj	Morehead	Warner
Campbell	Hall	Labedz	Nelson	Wehrbein
Chambers	Hannibal	Lamb	Peterson	Weihing
Chizek	Hartnett	Landis	Pirsch	Wesely
Conway	Hefner	Langford	Remmers	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Barrett	Higgins	Lynch	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 899.

A BILL FOR AN ACT relating to intercepted communications; to amend sections 86-701 to 86-705 and 86-707, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to unlawful acts; to permit certain acts relating to intercepted communications; to change provisions relating to the privileged use of intercepted communications; to change provisions relating to orders for intercepting communications; to prohibit the manufacture, distribution, and possession of certain intercepting devices; to provide for the recovery of civil damages as prescribed; to authorize pen register and trap-and-trace devices as prescribed; to prohibit interference with satellite transmissions; to authorize warrants for mobile tracking devices; to prohibit access to and

provide for disclosure of certain communications; to provide penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Dierks	Johnson, L.	Marsh	Schellpeper
Ashford	Elmer	Johnson, R.	McFarland	Schmit
Baack	Goodrich	Johnson, V.	Miller	Scofield
Bernard-Stevens	Haberman	Korshoj	Moore	Smith
	Hall	Labedz	Nelson	Warner
Beyer	Hannibal	Lamb	Peterson	Wehrbein
Campbell	Hartnett	Landis	Pirsch	Weihing
Chizek	Hefner	Langford	Remmers	Wesely
Conway	Johanns	Lynch	Rogers	Withem
Coordsen				

Voting in the negative, 2:

Chambers Morehead

Excused and not voting, 2:

Barrett Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 940.

A BILL FOR AN ACT relating to schools; to amend sections 79-102.01, 79-426.05, 79-426.08, 79-4,102 to 79-4,104, 79-1247.02, and 79-1335, Reissue Revised Statutes of Nebraska, 1943; to state intent; to change provisions relating to the formation of new school districts, county committees for the reorganization of school districts, accreditation, and eligibility for certain aid; to require a plan of reorganization; to create advisory committees and a commission; to provide for the coordination of curricula; to eliminate provisions on pilot programs; to provide powers and duties; to provide for funding as prescribed; to create a fund; to change and repeal provisions on nonresident high school tuition; to provide operative dates; and to

repeal the original sections, and also sections 79-436, 79-437, 79-495 to 79-499, 79-4,101, and 79-4,105, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,102 to 79-4,104, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 7 to 9, respectively, Legislative Bill 940, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Chambers	Hefner	Lynch	Scofield
Ashford	Chizek	Johanns	Miller	Smith
Baack	Elmer	Johnson, L.	Moore	Warner
Barrett	Goodrich	Johnson, V.	Morehead	Wehrbein
Bernard-Stevens	Hall	Labedz	Nelson	Weihing
Beyer	Hannibal	Lamb	Pirsch	Wesely
Campbell	Hartnett	Landis	Remmers	Withem

Voting in the negative, 12:

Conway	Haberman	Marsh	Peterson	Schellpeper
Coordsen	Korshoj	McFarland	Rogers	Schmit
Dierks	Langford			

Present and not voting, 1:

Johnson, R.

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 940A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 940, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Chizek	Hefner	Marsh	Schmit
Ashford	Conway	Johanns	McFarland	Scofield
Baack	Coordsen	Johnson, L.	Miller	Smith
Barrett	Elmer	Johnson, R.	Moore	Warner
Bernard-Stevens	Goodrich	Johnson, V.	Morehead	Wehrbein
	Haberman	Labedz	Nelson	Weihing
Beyer	Hall	Lamb	Pirsch	Wesely
Campbell	Hannibal	Landis	Remmers	Withem
Chambers	Hartnett	Lynch	Schellpeper	

Voting in the negative, 1:

Peterson

Present and not voting, 4:

Dierks	Korshoj	Langford	Rogers

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 1030. With Emergency.

A BILL FOR AN ACT relating to official acts and proceedings; to amend sections 11-119, 14-606, 16-323, 17-118, 23-1705, 23-1802, 23-1803, 23-1811, 24-595, 24-5,100, 24-5,101, 25-1011, 25-1012.01, 25-1031.02, 25-1056, 25-1230, 25-1232, 28-927, 28-1305, 29-205, 29-401, 29-406, 29-407, 29-413, 29-2403, 29-2701, 29-2815, 32-464 to 32-466, 33-136, 37-603, 37-606, 37-609, 37-913, 39-683, 49-801, 53-197, 54-705, 60-109, 64-102, 64-103, 64-202, 75-334, 79-453, and 83-1011, Reissue Revised Statutes of Nebraska, 1943, sections 15-326, 32-1221, 39-6,104, and 42-357, Revised Statutes Supplement, 1986, and sections 23-1801 and 33-117, Revised Statutes Supplement, 1987;

to eliminate certain powers of constables; to change provisions relating to garnishment proceedings; to provide for continuing liens as prescribed; to change and provide fees; to provide powers for county judges as prescribed; to change provisions relating to notaries public; to harmonize provisions; to repeal the original sections, and also section 29-204, 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, 46:

Abboud	Coordsen	Johnson, L.	McFarland	Schellpeper
Ashford	Dierks	Johnson, R.	Miller	Schmit
Baack	Elmer	Johnson, V.	Moore	Scofield
Barrett	Goodrich	Korshoj	Morehead	Smith
Bernard-Stevens	Haberman	Labedz	Nelson	Warner
	Hall	Lamb	Peterson	Wehrbein
Beyer	Hannibal	Landis	Pirsch	Weihing
Campbell	Hartnett	Lynch	Remmers	Wesely
Chizek	Hefner	Marsh	Rogers	Withem
Conway	Johanns			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Langford

Excused and not voting, 1:

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.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1089.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-114, 53-115, 53-117, 53-122, 53-123.04, 53-129, 53-135, 53-138.01, 53-138.02, 53-140, 53-144, 53-159, 53-174, 53-175, and 53-188, Reissue Revised Statutes of Nebraska, 1943, sections 53-123, 53-123.12, 53-124, 53-132, 53-160, 53-164.01, 53-169, 53-171, and 53-1,116, Revised Statutes Supplement, 1986, section 53-103, Revised Statutes Supplement, 1987, section 53-131, Revised Statutes Supplement, 1986, as amended by section 1, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988, and section 53-134, Revised Statutes Supplement, 1986, as amended by section 3, Legislative Bill 550, Ninetieth Legislature, Second Session, 1988; to define and redefine terms; to require operators of brewpubs to be licensed as prescribed; to provide fees; to change provisions relating to the Nebraska Liquor Control Commission; to change how often an election may be held; to eliminate certain bond and security requirements; to change the time for making certain recommendations; to change certain licensing and appeal procedures; to require reports; to change provisions relating to the payment of certain taxes and the holding of certain licenses; to eliminate provisions relating to alcoholic content; to harmonize provisions; 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, 32:

Ashford	Dierks	Hefner	Miller	Scofield
Baack	Elmer	Johanns	Moore	Smith
Bernard-Stevens	Goodrich	Johnson, L.	Morehead	Warner
	Haberman	Johnson, R.	Remmers	Weihing
Beyer	Hall	Johnson, V.	Rogers	Wesely
Chizek	Hannibal	Landis	Schellpeper	Withem
Conway	Hartnett	Langford		

Voting in the negative, 9:

Abboud	Coordsen	Lamb	McFarland	Pirsch
Barrett	Korshoj	Marsh	Peterson	

Present and not voting, 7:

Campbell	Chambers	Labedz	Lynch	Nelson

Schmit Wehrbein

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Campbell asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1110. With Emergency.

A BILL FOR AN ACT relating to corporations; to amend section 21-2035, Revised Statutes Supplement, 1987; to adopt the Shareholders' Protection Act; to repeal the Corporate Takeover Act; to change provisions relating to duties and liability of directors as prescribed; to provide severability; to repeal the original section, and also sections 21-2418 to 21-2430, 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	Coordsen	Johanns	Miller	Schellpeper
Ashford	Dierks	Johnson, L.	Moore	Scofield
Baack	Elmer	Johnson, R.	Morehead	Smith
Barrett	Goodrich	Korshoj	Nelson	Warner
Bernard-Stevens	Haberman	Lamb	Peterson	Wehrbein
	Hall	Landis	Pirsch	Weihing
Beyer	Hannibal	Langford	Remmers	Wesely
Chizek	Hartnett	Marsh	Rogers	Withem
Conway	Hefner	McFarland		

Voting in the negative, 2:

Johnson, V. Schmit

Present and not voting, 3:

Chambers Labedz Lynch

Excused and not voting, 2:

Campbell 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 1143. With Emergency.

A BILL FOR AN ACT relating to state buildings; to define a term; to create the Vacant Building Committee; to provide powers and duties; to provide for the sale, lease, disposal, and maintenance of vacant state-owned buildings; to create a fund; to provide exceptions as prescribed; to authorize the Department of Economic Development to convey or lease certain real estate 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, 48:

Abboud	Coordsen	Johanns	Marsh	Schellpeper
Ashford	Dierks	Johnson, L.	McFarland	Schmit
Baack	Elmer	Johnson, R.	Miller	Scofield
Barrett	Goodrich	Johnson, V.	Moore	Smith
Bernard-Stevens	Haberman	Korshoj	Morehead	Warner
	Hall	Labedz	Nelson	Wehrbein
Beyer	Hannibal	Lamb	Peterson	Weihing
Chambers	Hartnett	Landis	Pirsch	Wesely
Chizek	Hefner	Langford	Remmers	Withem
Conway	Higgins	Lynch	Rogers	

Voting in the negative, 0.

Excused and not voting, 1:

Campbell

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1143A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1143, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Coordsen	Johanns	McFarland	Schellpeper
Ashford	Dierks	Johnson, L.	Miller	Schmit
Baack	Elmer	Johnson, V.	Moore	Scofield
Barrett	Goodrich	Korshoj	Morehead	Smith
Bernard-Stevens	Haberman	Labedz	Nelson	Warner
	Hall	Lamb	Peterson	Wehrbein
Beyer	Hannibal	Landis	Pirsch	Weihing
Chambers	Hartnett	Langford	Remmers	Wesely
Chizek	Hefner	Lynch	Rogers	Withem
Conway	Higgins	Marsh		

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 1:

Campbell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1207 to Select File

Mr. Landis moved to return LB 1207 to Select File for the following specific amendment:

Change the operative date to May 1, 1988.

Mr. Landis withdrew his motion to return.

Mrs. Johanns asked unanimous consent to be excused until she returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1207. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1358, 77-1359, 77-1363, 77-1368, and 77-1510, Reissue Revised Statutes of Nebraska, 1943, and sections 77-508.01, 77-1362, 77-1364, 77-1504, and 77-1506.02, Revised Statutes Supplement, 1987; to provide for intercounty equalization; to change provisions relating to certain legislative findings; to redefine a term; to change a provision relating to adjustments to actual value; to provide for the use of soil classifications as prescribed; to provide duties for the Tax Commissioner; to provide procedures for the development of new agricultural land valuation manuals; to provide powers and duties for the county board of equalization; to provide appeal procedures; to harmonize provisions; to eliminate appeal provisions relating to changes of valuation by county boards of equalization; to provide an operative date; to repeal the original sections, and also section 77-1506.03, 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, 35:

Abboud	Elmer	Johnson, R.	Marsh	Rogers
Ashford	Goodrich	Korshoj	Miller	Schellpeper
Barrett	Haberman	Labedz	Moore	Schmit
Bernard-Stevens	Hannibal	Lamb	Nelson	Smith
Beyer	Hartnett	Landis	Peterson	Warner
Coordsen	Hefner	Langford	Pirsch	Wehrbein
Dierks	Johnson, L.	Lynch	Remmers	Weihing

Voting in the negative, 11:

Baack	Conway	Johnson, V.	Morehead	Wesely
Chambers	Hall	McFarland	Scofield	Withem
Chizek				

Present and not voting, 1:

Higgins

Excused and not voting, 2:

Campbell Johanns

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1207A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1207, Ninetieth Legislature, Second Session, 1988; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Conway	Hartnett	Marsh	Remmers
Baack	Coordsen	Hefner	McFarland	Rogers
Barrett	Dierks	Johnson, R.	Miller	Schellpeper
Bernard-Stevens	Elmer	Johnson, V.	Moore	Schmit
	Goodrich	Korshoj	Morehead	Smith
Beyer	Haberman	Labedz	Nelson	Warner
Chambers	Hall	Lamb	Peterson	Wehrbein
Chizek	Hannibal	Landis	Pirsch	Withem

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Johnson, L.	Lynch	Weihing	Wesely
Higgins	Langford	Scofield		

Excused and not voting, 2:

Campbell Johanns

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1217.

A BILL FOR AN ACT relating to the Ethanol Authority and Development Act; to amend section 66-1321, Reissue Revised Statutes of Nebraska, 1943, and sections 66-1307, 66-1307.02, 66-1317, 66-1322, and 66-1323, Revised Statutes Supplement, 1987; to authorize grants or loans for certain purposes and certain entities as prescribed; to provide considerations for awarding grants or loans; to provide standards for certain investments; 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	Conway	Johnson, L.	Marsh	Rogers
Ashford	Coordsen	Johnson, R.	McFarland	Schellpeper
Baack	Dierks	Johnson, V.	Miller	Scofield
Barrett	Elmer	Korshoj	Moore	Smith
Bernard-Stevens	Goodrich	Labedz	Morehead	Warner
	Hall	Lamb	Nelson	Wehrbein
Beyer	Hannibal	Landis	Peterson	Weihing
Chambers	Hartnett	Langford	Pirsch	Wesely
Chizek	Hefner	Lynch	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 3:

Haberman Higgins Schmit

Excused and not voting, 2:

Campbell Johanns

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1221.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1002 and 29-1823, Reissue Revised Statutes of Nebraska, 1943; to provide for the payment of certain costs by the state when determining mental competency; and to repeal the original sections.

Whereupon the 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	Coordsen	Higgins	Lynch	Remmers
Ashford	Dierks	Johnson, L.	Marsh	Rogers
Baack	Elmer	Johnson, R.	McFarland	Schellpeper
Barrett	Goodrich	Johnson, V.	Miller	Schmit
Bernard-Stevens	Haberman	Korshoj	Moore	Smith
	Hall	Labedz	Morehead	Wehrbein
Beyer	Hannibal	Lamb	Nelson	Weihing
Chambers	Hartnett	Landis	Peterson	Wesely
Chizek	Hefner	Langford	Pirsch	Withem
Conway				

Voting in the negative, 1:

Warner

Present and not voting, 1:

Scofield

Excused and not voting, 2:

Campbell Johanns

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1221A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1221, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Conway	Hefner	Marsh	Remmers
Ashford	Coordsen	Higgins	McFarland	Rogers
Baack	Dierks	Johnson, L.	Miller	Schellpeper
Barrett	Elmer	Johnson, V.	Moore	Smith
Bernard-Stevens	Goodrich	Labedz	Morehead	Wehrbein
Beyer	Haberman	Lamb	Nelson	Weihing
Chambers	Hall	Landis	Peterson	Wesely
Chizek	Hartnett	Lynch	Pirsch	Withem

Voting in the negative, 3:

Hannibal	Scofield	Warner

Present and not voting, 4:

Johnson, R.	Korshoj	Langford	Schmit

Excused and not voting, 2:

Campbell	Johanns

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1226 to Select File

Mr. Abboud moved to return LB 1226 to Select File for the following specific amendment:

Strike Section 1

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 855, 858, 899, 940, 940A, 1030, 1089, 1110, 1143, 1143A, 1207, 1207A, 1217, 1221, and 1221A.

MOTION - Return LB 1226 to Select File

The pending Abboud motion to return LB 1226 to Select File for his specific amendment was renewed.

Mrs. Higgins moved to bracket LB 1226 until April 9, 1988.

Mrs. Higgins withdrew her pending motion to bracket.

Mr. Hall 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. Abboud withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1226.

A BILL FOR AN ACT relating to football; to provide that football players at the University of Nebraska-Lincoln be paid a stipend as prescribed; and to provide an operative date.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 24:

Ashford	Chizek	Johnson, V.	Miller	Rogers
Baack	Conway	Labedz	Moore	Schmit
Bernard-Stevens	Hall	Landis	Morehead	Weihing
Chambers	Hartnett	Marsh	Nelson	Wesely
	Higgins	McFarland	Remmers	Withem

Voting in the negative, 22:

Abboud	Goodrich	Johnson, R.	Lynch	Scofield
Barrett	Haberman	Korshoj	Peterson	Smith
Beyer	Hannibal	Lamb	Pirsch	Warner
Coordsen	Hefner	Langford	Schellpeper	Wehrbein
Dierks	Johnson, L.			

Excused and not voting, 3:

Campbell	Elmer	Johanns

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 1233. With Emergency.

A BILL FOR AN ACT relating to the Governor; to provide powers related to the issuance of certain bonds; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Dierks	Johnson, V.	Miller	Schmit
Baack	Goodrich	Korshoj	Moore	Scofield
Barrett	Haberman	Labedz	Morehead	Smith
Bernard-Stevens	Hall	Lamb	Nelson	Warner
Beyer	Hannibal	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Johnson, L.	Marsh	Rogers	Withem
	Johnson, R.	McFarland	Schellpeper	

Voting in the negative, 0.

Present and not voting, 3:

Ashford Chambers Higgins

Excused and not voting, 3:

Campbell Elmer Johanns

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. Moore and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LR 249CA to Select File

Mr. Warner moved to return LR 249CA to Select File for the following specific amendment:
To indefinitely postpone.

SPEAKER BARRETT PRESIDING

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. V. Johnson requested a roll call vote on the Warner motion to return.

Voting in the affirmative, 22:

Baack	Hannibal	Lynch	Nelson	Warner
Chambers	Hartnett	Marsh	Pirsch	Weihing
Chizek	Johanns	Miller	Remmers	Wesely
Coordsen	Johnson, L.	Morehead	Schmit	Withem
Hall	Johnson, V.			

Voting in the negative, 24:

Abboud	Bernard-Stevens	Conway	Goodrich	Johnson, R.
Barrett	Beyer	Dierks	Haberman	Korshoj
		Elmer	Hefner	Labedz

Lamb	McFarland	Peterson	Schellpeper	Smith
Landis	Moore	Rogers	Scofield	Wehrbein
Langford				

Present and not voting, 1:

Higgins

Excused and not voting, 2:

Ashford Campbell

The Warner motion to return lost with 22 ayes, 24 nays, 1 present and not voting, and 2 excused and not voting.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 249CA.

A Resolution to propose an amendment to Article VIII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CVIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that: (1) The ~~the~~ Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED,

that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of the ~~said~~ county on personal tangible property; and (2) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values which are not uniform or proportionate (a) with other classes of property or (b) within the class of agricultural land and horticultural land. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses, and prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. ~~The Legislature may provide that agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of taxation.~~ Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.".

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 authorize the Legislature to provide that agricultural land and horticultural land used for agricultural and horticultural purposes constitutes a separate and distinct class of property for purposes of taxation and for a different method of taxing agricultural land and horticultural land which results in values which are not uniform or proportionate

with other classes of property or within the class of agricultural land and horticultural land.

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.

Mr. Lamb requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 24:

Baack	Conway	Hefner	Landis	Rogers
Barrett	Dierks	Johnson, R.	Langford	Schellpeper
Bernard-Stevens	Elmer	Korshoj	McFarland	Scofield
	Goodrich	Labedz	Moore	Smith
Beyer	Haberman	Lamb	Peterson	Wehrbein

Voting in the negative, 22:

Abboud	Hannibal	Lynch	Nelson	Warner
Chambers	Hartnett	Marsh	Pirsch	Weihing
Chizek	Johanns	Miller	Remmers	Wesely
Coordsen	Johnson, L.	Morehead	Schmit	Withem
Hall	Johnson, V.			

Present and not voting, 1:

Higgins

Excused and not voting, 2:

Ashford Campbell

Having failed to receive a constitutional majority voting in the affirmative, the resolution failed to pass for the general election.

RESOLUTIONS

LEGISLATIVE RESOLUTION 439. Introduced by Coordsen, 32nd District.

WHEREAS, the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Inc. is celebrating its fiftieth anniversary in 1988; and

WHEREAS, what began as a small group fifty years ago has steadily blossomed into an international organization, with thousands of men from every station of life dedicated to the spread of harmony; and

WHEREAS, the State of Nebraska boasts nine outstanding chapters in Fremont, Grand Island, Hastings, Kearney, Lexington, Lincoln, Nebraska City, North Platte, and Omaha, and the Omaha Chapter celebrates its forty-fifth anniversary in 1988; and

WHEREAS, the S.P.E.B.S.Q.S.A. has been an organization dedicated to the enjoyment of the people of North America through building and encouraging close harmony groups and the encouragement of harmony among all people of the world for half a century.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That it extends best wishes to all Nebraska chapters of S.P.E.B.S.Q.S.A. for continued success in promoting fellowship and harmony.

2. That it invites Nebraskans to enjoy the shower of harmony that will be available in many communities during this special fiftieth anniversary year of S.P.E.B.S.Q.S.A.

3. That a copy of this resolution be sent to Mr. Thomas Tarsney, President, Omaha Chapter of the S.P.E.B.S.Q.S.A., on behalf of all Nebraska chapters.

Laid over.

LEGISLATIVE RESOLUTION 440. Introduced by Hall, 7th District.

WHEREAS, 1988 marks the 100th Anniversary of Sokol South Omaha; and

WHEREAS, Sokol South Omaha has contributed to the development of gymnastics in Nebraska and throughout the United States as well as contributing to the development of other youth sports activities; and

WHEREAS, Sokol South Omaha has continued to promote an appreciation of Czech heritage and traditions; and

WHEREAS, Sokol South Omaha has been a social and community anchor for South Omaha and has served as a community gathering place for 100 years; and

WHEREAS, Sokol South Omaha will have a centennial celebration June 18, 1988.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature and its members congratulate Sokol South Omaha for 100 years of service to South Omaha and the State of Nebraska.

2. That a copy of this resolution be presented at the Sokol South Omaha Celebration June 18, 1988.

Laid over.

LEGISLATIVE RESOLUTION 441. Introduced by Wesely, 26th District.

WHEREAS, the Platte River and its tributaries are a vital economic and conservation resource and in particular the Platte River provides critical habitat for endangered and threatened species and supplies water resources essential for municipal, recreational, and agricultural uses, including the recharge of underground aquifers; and

WHEREAS, the U.S. Army Corps of Engineers and the Denver Colorado Water Board are planning the Two Forks Project - a dam on the South Platte River; and

WHEREAS, further depletion of river flow and sediment could render the Platte Valley unable to sustain the aforementioned economic and conservation resources; and

WHEREAS, the Platte River deserves and desperately needs to be protected and managed as a single valuable natural resource.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature does hereby commend and encourage members of the Legislature, the Attorney General, and the Governor to communicate with the U.S. Army Corps of Engineers, the Governor, and other elected officials of Colorado, the importance of the Platte River and the potential damage the proposed Two Forks Dam would have on the neighboring State of Nebraska.

2. That the legislative, judicial, and executive branches of Nebraska's Government be prepared to take the actions necessary to protect Nebraska's economic and conservation resource - the Platte River.

3. That the Clerk of the Legislature send copies of this resolution to the Governor, Attorney General, and leaders of both houses of the Legislature of Colorado.

Laid over.

LEGISLATIVE RESOLUTION 442. Introduced by Labedz, 5th District; Abboud, 12th District; Ashford, 6th District; Baack, 47th District; Barrett, 39th District; Bernard-Stevens, 42nd District; Beyer, 3rd District; Chambers, 11th District; Chizek, 31st District; Conway, 17th District; Coordsen, 32nd District; Dierks, 40th District; Elmer, 38th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Johanns, 27th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Korshoj, 16th District; Lamb, 43rd District; Landis, 46th District; Langford, 36th District; Lynch, 13th District; Marsh, 29th District; McFarland, 28th District; Miller, 37th District; Moore, 24th District; Morehead, 30th District; Nelson, 35th District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Schellpeper, 18th District; Schmit, 23rd District; Scofield, 49th District; Smith, 33rd District; Warner, 25th District; Wehrbein, 2nd District; Weihing, 48th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Eugene T. "Gene" Mahoney will be retiring April 22, 1988, as Director of the Nebraska Game and Parks Commission; and

WHEREAS, Gene Mahoney has served the citizens of Nebraska with great distinction for twenty-seven years; and

WHEREAS, Gene Mahoney served as an influential member of the Nebraska Legislature from 1961 until 1975, when he became the Game and Parks Commission Director; and

WHEREAS, all Nebraskans, for generations to come, will enjoy the benefits of the progress made in the parks system during Gene Mahoney's tenure; and

WHEREAS, Nebraska enjoys preeminence in the field of outdoor recreation because of Gene Mahoney's leadership; and

WHEREAS, the Nebraska Legislature salutes Gene Mahoney for his outstanding performance during his many years of public service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the dedicated efforts and achievements of Gene Mahoney.

2. That the members of the Legislature extend their best wishes to Gene Mahoney and congratulate him upon his retirement.

3. That the Legislature present a copy of this resolution to Gene Mahoney.

Laid over.

MOTION - Override Line-Item Veto on LB 1041

Mr. Wesely moved that pursuant to Rule 6, Section 14, the Legislature override the Governor's line item reduction in Section 35, page 70, lines 9, 10, and 13 of $15,000 in FY1987-88 for the Athletic Trainer Fees.

Laid over.

MOTION - Override Line-Item Veto on LB 1041

Mr. Wesely moved that pursuant to Rule 6, Section 14, the Legislature override the Governor's line item reduction in Section 35, page 68, Lines 23 and 25, and page 69, line 16 of $377,000 in FY1988-89 subsidization of fees at the State Health Lab.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1988, at 5:55 p.m., were the following bills: 855, 858, 899, 940, 940A, 1030, 1089, 1110, 1143, 1143A, 1207, 1207A, 1217, 1221, and 1221A.

(Signed) Pam Moravec, Enrolling Clerk

WITHDRAW - Amendment to LB 88

Messrs. Ashford and McFarland withdrew their pending amendment, AM2497, found in the Journal on page 1766 to LB 88.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 88.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Rights of the Terminally Ill Act; to provide penalties; and to provide severability.

Mrs. Marsh requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 23:

Ashford	Chambers	Johnson, R.	Morehead	Wehrbein
Baack	Coordsen	Johnson, V.	Nelson	Weihing
Barrett	Elmer	Landis	Scofield	Wesely
Bernard-Stevens	Hannibal	Langford	Smith	Withem
	Johanns	Marsh	Warner	

Voting in the negative, 23:

Abboud	Goodrich	Higgins	Miller	Remmers
Beyer	Haberman	Korshoj	Moore	Rogers
Chizek	Hall	Labedz	Peterson	Schellpeper
Conway	Hartnett	Lamb	Pirsch	Schmit
Dierks	Hefner	McFarland		

Present and not voting, 2:

Johnson, L. Lynch

Excused and not voting, 1:

Campbell

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 1233.

VISITORS

Visitors to the Chamber were 15 third and fourth grade students and teacher from Faith Lutheran School, Lincoln; 12 third and fourth grade students and teacher from Milligan Public School; and Nancy Kruse, Debra Rowe, Jean Kracher, and Bonnie Borders.

ADJOURNMENT

At 6:45 p.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Friday, April 8, 1988.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 8, 1988

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 8, 1988

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Haberman, Hall, R. Johnson, V. Johnson, McFarland, Schellpeper, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Ninth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1988, at 7:00 p.m., was the following bill: 1233.

(Signed) Pam Moravec, Enrolling Clerk

MOTION - Suspend Rules

Mr. Lynch moved to suspend Rule 6, Section 7 and permit consideration of LB 130e, LB 294e, LB 294A, LB 295, LB 295Ae,

LB 369, LB 632, LB 700, LB 716, LB 716A, LB 866e, LB 884e, LB 953, LB 978, LB 998, LB 1004, LB 1008, LB 1008A, LB 1039e, LB 1039A, LB 1042e, LB 1073e, LB 1073A, LB 1083, LB 1092e, LB 1106, LB 1160e, LB 1174, LB 1178, LB 1232, LB 1234, and LR 21CA.

The Lynch motion to suspend the rules prevailed with 30 ayes, 1 nay, 10 present and not voting, and 8 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: 326, 327, 328, 329, 330, 331, 333, 334, 338, 339, 340, 341, 342, 345, 347, 348, 349, 368, 377, 422, 430, and 431.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1091. With Emergency.

A BILL FOR AN ACT relating to railroads; to amend section 84-612, Reissue Revised Statutes of Nebraska, 1943; to create a fund; to provide for distribution of money in such fund; to provide duties; to provide for reimbursements and the transfer of funds; to provide a termination date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Conway	Johnson, L.	Moore	Schmit
Ashford	Coordsen	Johnson, V.	Morehead	Scofield
Baack	Dierks	Labedz	Nelson	Smith
Barrett	Elmer	Lamb	Peterson	Warner
Bernard-Stevens	Goodrich	Landis	Pirsch	Wehrbein
Beyer	Haberman	Langford	Remmers	Weihing
Campbell	Hannibal	Lynch	Rogers	Wesely
Chizek	Hartnett	Marsh	Schellpeper	Withem
	Hefner	Miller		

Voting in the negative, 0.

Present and not voting, 3:

Higgins Johanns Korshoj

Excused and not voting, 4:

Chambers Hall Johnson, R. McFarland

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1091A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1091, Ninetieth Legislature, Second Session, 1988; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Coordsen	Johnson, V.	Moore	Schmit
Ashford	Dierks	Labedz	Morehead	Scofield
Baack	Elmer	Lamb	Nelson	Smith
Barrett	Goodrich	Landis	Peterson	Warner
Bernard-Stevens	Haberman	Langford	Pirsch	Wehrbein
	Hannibal	Lynch	Remmers	Weihing
Beyer	Hartnett	Marsh	Rogers	Wesely
Chizek	Hefner	McFarland	Schellpeper	Withem
Conway	Johnson, L.	Miller		

Voting in the negative, 0.

Present and not voting, 4:

Campbell Higgins Johanns Korshoj

Excused and not voting, 3:

Chambers Hall 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.

MOTION - Return LB 1170 to Select File

Mr. Wesely moved to return LB 1170 to Select File for his specific amendment, AM2887, found in the Journal on page 1925.

Mr. Wesely withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1170.

A BILL FOR AN ACT relating to school retirement; to amend sections 79-1501, 79-1512, 79-1522.01, 79-1527, 79-1528, 79-1531 to 79-1533, 79-1536, 79-1540, 79-1542, 79-1545 to 79-1546, 79-1548 to 79-1550, 79-1552, 79-1556, and 84-1503, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to funds of the school retirement system; to rename certain funds; to create a fund; to change retirement benefits as prescribed; to change contribution provisions; to provide powers and 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, 43:

Abboud	Chambers	Hall	Labedz	Nelson
Ashford	Chizek	Hannibal	Lamb	Peterson
Baack	Conway	Hartnett	Landis	Pirsch
Barrett	Coordsen	Hefner	Langford	Remmers
Bernard-Stevens	Dierks	Higgins	Marsh	Rogers
	Elmer	Johnson, L.	McFarland	Schellpeper
Beyer	Goodrich	Johnson, R.	Miller	Schmit
Campbell	Haberman	Korshoj	Morehead	Scofield

Smith	Warner	Weihing	Withem	

Voting in the negative, 0.

Present and not voting, 5:

Johanns	Johnson, V.	Lynch	Moore	Wesely

Excused and not voting, 1:

Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 518.

A BILL FOR AN ACT relating to infants; to amend section 43-512, Revised Statutes Supplement, 1987; to increase the maximum amounts of aid to dependent children; to provide for transition benefits as prescribed; to require a report; 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, 44:

Abboud	Chizek	Hefner	Landis	Remmers
Ashford	Conway	Higgins	Langford	Rogers
Baack	Coordsen	Johanns	Lynch	Schmit
Barrett	Elmer	Johnson, L.	Marsh	Scofield
Bernard-Stevens	Goodrich	Johnson, R.	McFarland	Smith
	Haberman	Johnson, V.	Miller	Warner
Beyer	Hall	Korshoj	Morehead	Weihing
Campbell	Hannibal	Labedz	Nelson	Wesely
Chambers	Hartnett	Lamb	Pirsch	Withem

Voting in the negative, 2:

Moore	Schellpeper

Present and not voting, 2:

Dierks Peterson

Excused and not voting, 1:

Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 518A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 518, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Chizek	Johanns	Lynch	Rogers
Ashford	Conway	Johnson, L.	Marsh	Schmit
Baack	Elmer	Johnson, R.	McFarland	Scofield
Barrett	Goodrich	Johnson, V.	Miller	Smith
Bernard-Stevens	Hall	Korshoj	Morehead	Warner
	Hannibal	Labedz	Nelson	Weihing
Beyer	Hartnett	Lamb	Pirsch	Wesely
Campbell	Hefner	Landis	Remmers	Withem
Chambers	Higgins			

Voting in the negative, 3:

Coordsen Moore Schellpeper

Present and not voting, 4:

Dierks Haberman Langford Peterson

Excused and not voting, 1:

Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 130. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.01, Revised Statutes Supplement, 1987; to provide for the calculation of estimated excess funds and receipts based on a biennial budget; to eliminate definitions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Abboud	Coordsen	Labedz	Moore	Schmit
Barrett	Elmer	Lamb	Morehead	Scofield
Bernard-Stevens	Hannibal	Landis	Peterson	Smith
	Hefner	Langford	Pirsch	Warner
Beyer	Johnson, L.	Lynch	Remmers	Weihing
Campbell	Johnson, R.	Marsh	Rogers	Wesely
Conway	Korshoj	Miller	Schellpeper	

Voting in the negative, 8:

Ashford	Goodrich	Hall	Nelson	Withem
Baack	Haberman	Johnson, V.		

Present and not voting, 6:

Chambers	Dierks	Hartnett	Higgins	Johanns
Chizek				

Excused and not voting, 2:

McFarland Wehrbein

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 295.

A BILL FOR AN ACT relating to gambling; to amend sections 9-201, 9-203, 9-211, 9-212, 9-215, 9-216, 9-218, 9-222, 9-226 to 9-233, 9-236, 9-242 to 9-244, 9-246, 9-247, 9-253, 9-258, 9-259, and 9-261, Revised Statutes Supplement, 1986, and section 9-262, Revised Statutes Supplement, 1987; to define, redefine, and eliminate terms; to change provisions relating to the issuance, denial, renewal, suspension, and expiration of certain licenses and permits; to provide for the classification of licenses; to provide penalties; to change provisions relating to appeals, the compensation of certain persons, and the purchase of supplies as prescribed; to require licenses for gaming managers and commercial lessors as prescribed; to restrict the leasing of premises as prescribed; to provide fees; to require payment of expenses from a certain account as prescribed; to provide that certain documents are public records; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 9-224, Revised Statutes Supplement, 1986.

Whereupon the 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	Coordsen	Johanns	Marsh	Schellpeper
Ashford	Dierks	Johnson, L.	McFarland	Schmit
Baack	Elmer	Johnson, R.	Miller	Scofield
Barrett	Goodrich	Johnson, V.	Morehead	Smith
Bernard-Stevens	Haberman	Korshoj	Nelson	Warner
	Hall	Labedz	Peterson	Wehrbein
Beyer	Hannibal	Lamb	Pirsch	Weihing
Campbell	Hartnett	Landis	Remmers	Wesely
Chizek	Hefner	Langford	Rogers	Withem
Conway	Higgins	Lynch		

Voting in the negative, 0.

Present and not voting, 2:

Chambers Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 295A to Select File

Messrs. Hall and Moore moved to return LB 295A to Select File for the following specific amendment:
Strike the enacting clause.

Messrs. Hall and Moore withdrew their motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 295A. With Emergency.

A BILL FOR AN ACT to adopt the Protocol Act; to appropriate funds; 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, 24:

Ashford	Beyer	Coordsen	Johnson, V.	Remmers
Baack	Campbell	Dierks	Landis	Rogers
Barrett	Chambers	Elmer	Lynch	Schmit
Bernard-Stevens	Chizek	Hefner	Marsh	Weihing
	Conway	Johnson, R.	McFarland	Wesely

Voting in the negative, 22:

Abboud	Higgins	Langford	Nelson	Smith
Goodrich	Johanns	Miller	Pirsch	Warner
Haberman	Korshoj	Moore	Schellpeper	Wehrbein
Hall	Labedz	Morehead	Scofield	Withem
Hannibal	Lamb			

Present and not voting, 3:

Hartnett Johnson, L. Peterson

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?"

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 25:

Ashford	Campbell	Dierks	Johnson, V.	Remmers
Baack	Chambers	Elmer	Landis	Rogers
Barrett	Chizek	Hartnett	Lynch	Schmit
Bernard-Stevens	Conway	Hefner	Marsh	Weihing
Beyer	Coordsen	Johnson, R.	McFarland	Wesely

Voting in the negative, 23:

Abboud	Higgins	Langford	Peterson	Smith
Goodrich	Johnson, L.	Miller	Pirsch	Warner
Haberman	Korshoj	Moore	Schellpeper	Wehrbein
Hall	Labedz	Morehead	Scofield	Withem
Hannibal	Lamb	Nelson		

Present and not voting, 1:

Johanns

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 369.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1201, 18-1202, and 18-1708, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the use of certain revenue; to eliminate a restriction on the location of fire engine houses or stations; to harmonize provisions; and to repeal the original sections, and also section 18-1710, 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	Conway	Higgins	Lynch	Rogers
Ashford	Coordsen	Johanns	Marsh	Schellpeper
Baack	Dierks	Johnson, L.	McFarland	Schmit
Barrett	Elmer	Johnson, R.	Miller	Scofield
Bernard-Stevens	Goodrich	Johnson, V.	Moore	Smith
	Haberman	Korshoj	Morehead	Warner
Beyer	Hall	Labedz	Nelson	Wehrbein
Campbell	Hannibal	Lamb	Peterson	Weihing
Chambers	Hartnett	Landis	Pirsch	Wesely
Chizek	Hefner	Langford	Remmers	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.

LEGISLATIVE BILL 632.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-2201, 39-2203, 39-2205, 39-2209, 39-2211 to 39-2214, 39-2216, 39-2217, 39-2219, 39-2221 to 39-2224, 39-2226, 66-424, 66-473, 66-476, and 66-605.02, Reissue Revised Statutes of Nebraska, 1943, and section 39-2215, Revised Statutes Supplement, 1986; to define and redefine terms; to create the Highway Restoration and Improvement Bond Fund; to authorize the issuance of bonds as prescribed; to change the disposition of funds received pursuant to the Nebraska Highway Bond Act; to change provisions relating to the distribution of the Highway Cash Fund; to change provisions relating to the receipt of revenue from and the rate of the motor fuel excise tax as prescribed; to state intent; to provide powers and duties for the Department of Roads; 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:

Ashford	Coordsen	Higgins	Langford	Pirsch
Baack	Elmer	Johanns	Lynch	Remmers
Bernard-Stevens	Goodrich	Johnson, L.	Marsh	Rogers
	Haberman	Johnson, R.	McFarland	Schellpeper
Beyer	Hall	Johnson, V.	Miller	Schmit
Campbell	Hannibal	Korshoj	Moore	Warner
Chizek	Hartnett	Labedz	Nelson	Wehrbein
Conway	Hefner	Landis	Peterson	Withem

Voting in the negative, 8:

Barrett	Lamb	Scofield	Weihing	Wesely
Chambers	Morehead	Smith		

Present and not voting, 2:

Abboud Dierks

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: 518A, 130, 295, 518, 1170, 1091A, and 1091.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 700.

A BILL FOR AN ACT relating to the Nebraska Property and Liability Insurance Guaranty Association Act; to amend section 44-2403, Reissue Revised Statutes of Nebraska, 1943, and section 44-2406, Revised Statutes Supplement, 1986; to redefine terms; to change a provision relating to the determination of claims; and to repeal the original sections.

Whereupon the 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	Conway	Higgins	Lynch	Rogers
Ashford	Coordsen	Johanns	Marsh	Schellpeper
Baack	Dierks	Johnson, L.	McFarland	Schmit
Barrett	Elmer	Johnson, R.	Miller	Scofield
Bernard-Stevens	Goodrich	Johnson, V.	Moore	Smith
Beyer	Haberman	Korshoj	Morehead	Warner
Campbell	Hall	Labedz	Nelson	Wehrbein
Chambers	Hannibal	Lamb	Peterson	Weihing
Chizek	Hartnett	Landis	Pirsch	Wesely
	Hefner	Langford	Remmers	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.

LEGISLATIVE BILL 716.

A BILL FOR AN ACT relating to elections; to amend sections 32-702, 32-703, 32-704, 32-706, and 32-713, Reissue Revised Statutes of Nebraska, 1943, and section 32-705, Revised Statutes Supplement, 1986; to change qualifications and requirements of initiative and referendum petition signers and circulators; to change provisions relating to petitions; to change a provision relating to placing an issue on the ballot; to provide penalties; to harmonize provisions; to appropriate funds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beyer	Conway	Elmer
Ashford	Bernard-Stevens	Campbell	Coordsen	Goodrich
Baack		Chizek	Dierks	Haberman

Hall	Johnson, R.	Lynch	Peterson	Smith
Hannibal	Johnson, V.	Marsh	Pirsch	Warner
Hartnett	Korshoj	McFarland	Remmers	Wehrbein
Hefner	Labedz	Miller	Rogers	Weihing
Higgins	Lamb	Moore	Schellpeper	Wesely
Johanns	Landis	Morehead	Schmit	Withem
Johnson, L.	Langford	Nelson	Scofield	

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.

MOTION - Return LB 716A to Select File

Mr. Wesely moved to return LB 716A to Select File for the following specific amendment:
Strike the enacting clause.

SPEAKER BARRETT PRESIDING

Mrs. Higgins 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. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 716A.

A BILL FOR AN ACT relating to health care; to amend sections 71-5828 and 71-5830, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certificates of need; 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, 28:

Ashford	Chambers	Haberman	Korshoj	Rogers
Baack	Chizek	Hall	Labedz	Schmit
Bernard-Stevens	Conway	Hartnett	McFarland	Scofield
	Coordsen	Hefner	Moore	Wehrbein
Beyer	Dierks	Higgins	Nelson	Withem
Campbell	Elmer	Johanns	Remmers	

Voting in the negative, 13:

Abboud	Hannibal	Lamb	Pirsch	Warner
Barrett	Johnson, L.	Marsh	Smith	Wesely
Goodrich	Johnson, R.	Morehead		

Present and not voting, 7:

Johnson, V.	Langford	Peterson	Schellpeper	Weihing
Landis	Miller			

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 866. With Emergency.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend sections 85-505 and 85-505.01, Reissue Revised Statutes of Nebraska, 1943; to change the number of persons eligible for the tuition assistance program as prescribed; to harmonize provisions; to appropriate 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, 38:

Ashford	Chizek	Hartnett	McFarland	Schellpeper
Baack	Conway	Higgins	Miller	Schmit
Barrett	Coordsen	Johnson, R.	Morehead	Smith
Bernard-Stevens	Dierks	Johnson, V.	Nelson	Wehrbein
Beyer	Elmer	Korshoj	Peterson	Weihing
Campbell	Goodrich	Labedz	Pirsch	Wesely
Chambers	Haberman	Lamb	Remmers	Withem
	Hall	Marsh	Rogers	

Voting in the negative, 8:

Abboud	Hefner	Langford	Scofield	Warner
Hannibal	Johnson, L.	Moore		

Present and not voting, 2:

Johanns Landis

Excused and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 884. With Emergency.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 1987; to adopt updated federal regulations relating to motor carrier safety and hazardous materials; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Ashford	Baack	Barrett

Bernard-Stevens	Elmer	Johnson, L.	McFarland	Schmit
Beyer	Goodrich	Johnson, R.	Miller	Scofield
Campbell	Haberman	Johnson, V.	Morehead	Smith
Chambers	Hall	Korshoj	Nelson	Warner
Chizek	Hannibal	Labedz	Peterson	Wehrbein
Conway	Hartnett	Lamb	Pirsch	Weihing
Coordsen	Hefner	Landis	Remmers	Wesely
Dierks	Higgins	Langford	Rogers	Withem
	Johanns	Marsh	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 1:

Lynch

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. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 953.

A BILL FOR AN ACT relating to instream appropriations; to amend section 46-2,119, Reissue Revised Statutes of Nebraska, 1943; to authorize cancellation of instream appropriations; and to repeal the original section.

Whereupon the 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	Bernard-Stevens	Chambers	Dierks	Hannibal
Ashford	Beyer	Chizek	Elmer	Hartnett
Baack	Campbell	Conway	Goodrich	Hefner
Barrett		Coordsen	Hall	Johnson, L.

Johnson, R.	Langford	Peterson	Schmit	Wehrbein
Johnson, V.	Marsh	Pirsch	Scofield	Weihing
Korshoj	McFarland	Remmers	Smith	Wesely
Lamb	Miller	Rogers	Warner	Withem
Landis	Nelson	Schellpeper		

Voting in the negative, 0.

Present and not voting, 5:

Haberman	Higgins	Johanns	Moore	Morehead

Excused and not voting, 2:

Labedz	Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 978.

A BILL FOR AN ACT relating to cities of the primary class; to authorize installment contracts for the purchase of personal property as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Chizek	Hartnett	Marsh	Schellpeper
Ashford	Conway	Hefner	McFarland	Schmit
Baack	Coordsen	Higgins	Miller	Scofield
Barrett	Dierks	Johnson, L.	Moore	Smith
Bernard-Stevens	Elmer	Johnson, R.	Morehead	Warner
Beyer	Goodrich	Johnson, V.	Nelson	Wehrbein
Campbell	Haberman	Lamb	Peterson	Weihing
Chambers	Hall	Langford	Pirsch	Wesely
	Hannibal	Lynch	Remmers	

Voting in the negative, 0.

Present and not voting, 4:

Johanns Korshoj Landis Withem

Excused and not voting, 2:

Labedz Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 998.

A BILL FOR AN ACT relating to the Medicare Supplement Insurance Minimum Standards Act; to amend sections 44-710.18, 44-3601, and 44-3605 to 44-3611, Reissue Revised Statutes of Nebraska, 1943, sections 44-3602 to 44-3604, Revised Statutes Supplement, 1986, and section 44-4503, Revised Statutes Supplement, 1987; to rename the act; to define and redefine terms; to provide applicability; to provide for rules and regulations; to provide policy standards; to provide filing requirements; to provide disclosure standards; to provide for forms of certain policies; to provide for enforcement; to eliminate certain provisions of the act; to harmonize provisions; 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	Conway	Hefner	McFarland	Schmit
Ashford	Coordsen	Higgins	Miller	Scofield
Baack	Dierks	Johnson, L.	Moore	Smith
Barrett	Elmer	Johnson, R.	Morehead	Warner
Bernard-Stevens	Goodrich	Johnson, V.	Nelson	Wehrbein
	Haberman	Lamb	Peterson	Weihing
Beyer	Hall	Landis	Pirsch	Wesely
Campbell	Hannibal	Langford	Remmers	Withem
Chizek	Hartnett	Marsh	Schellpeper	

Voting in the negative, 0.

Present and not voting, 4:

Chambers Johanns Korshoj Lynch

Excused and not voting, 2:

Labedz Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1004.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-305.02, Reissue Revised Statutes of Nebraska, 1943, and sections 60-305.03 and 60-305.09, Revised Statutes Supplement, 1986; to eliminate retaliatory or reciprocity fees on certain nonresident vehicles; to provide for a single trip permit for certain nonresident vehicles; to provide 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, 45:

Abboud	Coordsen	Higgins	Marsh	Schellpeper
Ashford	Dierks	Johnson, L.	McFarland	Schmit
Baack	Elmer	Johnson, R.	Miller	Scofield
Barrett	Goodrich	Johnson, V.	Moore	Smith
Bernard-Stevens	Haberman	Labedz	Morehead	Warner
	Hall	Lamb	Nelson	Wehrbein
Beyer	Hannibal	Landis	Peterson	Weihing
Campbell	Hartnett	Langford	Pirsch	Wesely
Chizek	Hefner	Lynch	Remmers	Withem
Conway				

Voting in the negative, 0.

Present and not voting, 3:

Chambers Johanns Korshoj

Excused and not voting, 1:

Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1008.

A BILL FOR AN ACT relating to identification cards; to amend sections 60-402, 60-411.01, and 60-417, Reissue Revised Statutes of Nebraska, 1943, sections 60-406.04, 60-411, and 60-415, Revised Statutes Supplement, 1986, and sections 60-401 and 60-407, Revised Statutes Supplement, 1987; to provide for issuance, expiration, renewal, replacement, and cancellation of state identification cards; to require rules and regulations relating to standards of vision; to provide fees; to prohibit certain acts; to eliminate provisions relating to identification cards; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 23-393, 23-395, and 23-396, Reissue Revised Statutes of Nebraska, 1943, and section 23-394, Revised Statutes Supplement, 1986.

Whereupon the 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	Coordsen	Johanns	Lynch	Remmers
Baack	Elmer	Johnson, L.	Marsh	Schellpeper
Barrett	Goodrich	Johnson, R.	McFarland	Schmit
Bernard-Stevens	Haberman	Johnson, V.	Miller	Scofield
	Hall	Korshoj	Moore	Smith
Beyer	Hannibal	Labedz	Morehead	Wehrbein
Campbell	Hartnett	Lamb	Nelson	Weihing
Chizek	Hefner	Landis	Peterson	Wesely
Conway	Higgins	Langford	Pirsch	Withem

Voting in the negative, 1:

Warner

Present and not voting, 3:

Ashford Chambers Dierks

Excused and not voting, 1:

Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1008A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1008, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Chizek	Johanns	Miller	Schmit
Ashford	Conway	Johnson, L.	Moore	Scofield
Baack	Coordsen	Johnson, R.	Morehead	Smith
Barrett	Elmer	Johnson, V.	Nelson	Warner
Bernard-Stevens	Goodrich	Korshoj	Peterson	Wehrbein
	Hall	Lamb	Pirsch	Weihing
Beyer	Hannibal	Landis	Remmers	Wesely
Campbell	Hartnett	Lynch	Schellpeper	Withem
Chambers	Hefner	McFarland		

Voting in the negative, 0.

Present and not voting, 6:

Dierks	Higgins	Labedz	Langford	Marsh
Haberman				

Excused and not voting, 1:

Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1039. With Emergency.

A BILL FOR AN ACT relating to fuel taxes; to amend sections 66-408, 66-410, 66-412, 66-428, 66-429, 66-473, 66-477, 66-478, and 66-610.03, Reissue Revised Statutes of Nebraska, 1943, and section 66-401, Revised Statutes Supplement, 1987; to redefine terms; to change provisions relating to dealers records; to change provisions relating to the liability for motor vehicle fuel taxes; to change provisions relating to the amount of motor vehicle fuel taxes; to change provisions relating to the payment and report of motor vehicle fuel taxes; to provide for use of certain trust funds; to provide an exception to the payment of taxes; 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, 45:

Abboud	Conway	Hefner	Marsh	Schellpeper
Ashford	Coordsen	Higgins	McFarland	Schmit
Baack	Dierks	Johanns	Miller	Scofield
Barrett	Elmer	Johnson, L.	Moore	Smith
Bernard-Stevens	Goodrich	Johnson, V.	Morehead	Warner
Beyer	Haberman	Korshoj	Nelson	Wehrbein
Campbell	Hall	Lamb	Peterson	Weihing
Chambers	Hannibal	Landis	Pirsch	Wesely
Chizek	Hartnett	Lynch	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 3:

Johnson, R. Labedz Langford

Excused and not voting, 1:

Rogers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1004, 998, 978, 953, 884, 866, 716A, 369, 632, 700, and 716.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1039A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1039, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Conway	Hefner	Marsh	Schellpeper
Ashford	Coordsen	Higgins	McFarland	Schmit
Baack	Dierks	Johanns	Miller	Scofield
Barrett	Elmer	Johnson, L.	Moore	Smith
Bernard-Stevens	Goodrich	Johnson, R.	Morehead	Warner
	Haberman	Johnson, V.	Nelson	Wehrbein
Beyer	Hall	Lamb	Peterson	Weihing
Campbell	Hannibal	Landis	Pirsch	Wesely
Chambers	Hartnett	Lynch	Remmers	Withem
Chizek				

Voting in the negative, 0.

Present and not voting, 3:

Korshoj	Labedz	Langford

Excused and not voting, 1:

Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1042 to Select File

Mr. Elmer moved to return LB 1042 to Select File for the following specific amendment:

On page 6, line 14, after "University of Nebraska", insert "system"

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

Mr. Elmer withdrew the motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1042. With Emergency.

A BILL FOR AN ACT relating to the state university and state colleges; to amend section 85-121, Reissue Revised Statutes of Nebraska, 1943; to provide a mission statement; to authorize an appropriation from the General Fund; to provide additional powers and duties for the Board of Regents; to provide for program review as prescribed; to make an appropriation; to reappropriate certain funds; to repeal certain appropriation provisions; to repeal the original section, and also sections 85-121.01 and 85-121.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Ashford	Beyer	Coordsen	Haberman	Johnson, R.
Barrett	Campbell	Dierks	Hefner	Korshoj
Bernard-Stevens	Chambers	Elmer	Higgins	Labedz
	Chizek	Goodrich	Johanns	Lamb

Langford	McFarland	Peterson	Schellpeper	Wehrbein
Lynch	Miller	Remmers	Schmit	Weihing
Marsh	Morehead	Rogers	Scofield	

Voting in the negative, 16:

Abboud	Hannibal	Johnson, V.	Nelson	Warner
Baack	Hartnett	Landis	Pirsch	Wesely
Conway	Johnson, L.	Moore	Smith	Withem
Hall				

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 295A.

(Signed) Scott Moore, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1039, 1039A, 1008, 1008A, 1042, and 295A.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 8, 1988, at 10:40 a.m., were the following bills: 1091, 1091A, 1170, 518, 518A, 130, and 295.

(Signed) Pam Moravec, Enrolling Clerk

VISITORS

Visitors to the Chamber were 90 eighth grade students from St. Pius X and St. Leo School, Omaha; 46 fourth grade students and teacher from Neligh-Oakdale Public School, Neligh; 11 members of Future

Farmers of America (F.F.A.) from Spencer; 41 fourth grade students and teacher from Walt Disney, Omaha; Mayor Larry Marik and Dale Collinsworth from Columbus; and 24 students and teachers from District 4, Grand Island.

RECESS

At 12:07 p.m., on a motion by Mrs. Marsh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson, V. Johnson, McFarland, Remmers, Warner, Wehrbein, Withem, and Mrs. Labedz who were excused until they arrive.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1073. With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 71-6301 to 71-6307, 71-6309, 71-6310, 71-6312 to 71-6314, and 79-4,207, Reissue Revised Statutes of Nebraska, 1943; to name an act; to define and redefine terms; to change provisions relating to asbestos projects conducted by exempt organizations; to provide fees; to create and eliminate funds; to change certain license qualifications; to change provisions relating to applications for licenses and waivers; to change a provision relating to the length of time records are required to be kept; to change provisions relating to waiver of licenses; to change penalties; to change procedures relating to disciplinary actions; to provide continuing education requirements; to provide for certification of asbestos personnel as prescribed; to provide duties for the Department of Health; to provide rules and regulations; to authorize a tax levy for the abatement of environmental hazards; to require a report; to eliminate legislative findings and related provisions concerning asbestos; to eliminate disciplinary actions procedures; to harmonize provisions; to repeal

the original sections, and also sections 71-6308 and 79-4,206, 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	Chizek	Hartnett	Langford	Pirsch
Ashford	Conway	Hefner	Lynch	Rogers
Baack	Coordsen	Higgins	Marsh	Schellpeper
Barrett	Dierks	Johanns	Miller	Schmit
Bernard-Stevens	Elmer	Johnson, L.	Moore	Scofield
Beyer	Goodrich	Korshoj	Morehead	Smith
Campbell	Haberman	Lamb	Nelson	Weihing
Chambers	Hall	Landis	Peterson	Wesely
	Hannibal			

Voting in the negative, 0.

Excused and not voting, 8:

Johnson, R.	Labedz	Remmers	Wehrbein	Withem
Johnson, V.	McFarland	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 1073A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1073, Ninetieth Legislature, Second Session, 1988.

Whereupon the 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	Baack	Bernard-Stevens	Beyer	Chambers
Ashford	Barrett		Campbell	Chizek

Conway	Hannibal	Lamb	Morehead	Schmit
Coordsen	Hartnett	Landis	Nelson	Scofield
Dierks	Hefner	Langford	Peterson	Smith
Elmer	Johanns	Marsh	Pirsch	Warner
Goodrich	Johnson, L.	McFarland	Rogers	Weihing
Haberman	Korshoj	Miller	Schellpeper	Wesely
Hall	Labedz	Moore		

Voting in the negative, 0.

Present and not voting, 2:

Higgins Lynch

Excused and not voting, 5:

Johnson, R. Johnson, V. Remmers Wehrbein Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 1083

Mr. Ashford withdrew his pending amendment, AM2924, found in the Journal on page 2034 to LB 1083.

MOTION - Return LB 1083 to Select File

Mr. Hefner moved to return LB 1083 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Hefner withdrew his motion to return.

Mr. Landis moved to return LB 1083 to Select File for the following specific amendment:
To change operative date of 1083 to January, 1989.

Mr. Landis withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1083.

A BILL FOR AN ACT relating to financing; to state intent; to define terms; to authorize joint agreements among political subdivisions and with the Nebraska Investment Finance Authority; to provide powers, duties, and limitations; and to provide severability.

Mr. Landis requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 19:

Baack	Johnson, R.	Langford	Miller	Schmit
Chambers	Johnson, V.	Lynch	Moore	Smith
Hall	Labedz	Marsh	Morehead	Wesely
Higgins	Landis	McFarland	Nelson	

Voting in the negative, 21:

Ashford	Coordsen	Hannibal	Korshoj	Rogers
Barrett	Dierks	Hefner	Lamb	Schellpeper
Bernard-Stevens	Elmer	Johanns	Peterson	Scofield
	Goodrich	Johnson, L.	Remmers	Warner
Beyer	Haberman			

Present and not voting, 8:

Abboud	Chizek	Hartnett	Weihing	Withem
Campbell	Conway	Pirsch		

Excused and not voting, 1:

Wehrbein

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

MESSAGES FROM THE GOVERNOR

April 8, 1988

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

Dear Mr. President and Senators:

I am returning LB 942 without my signature and with my objections.

LB 942 creates an exception in law to establish a community of interest among administrators in Class V school districts. Since the repeal of the Teachers Professional Negotional Act, school districts are under the jurisdiction of the Commission on Industrial Relations. It would be poor policy to intervene in matters which should legitimately be decided by the CIR. As I stated in my veto message for LB 519, this will set a precedent for determining bargaining units by statute rather than through the collective bargaining process.

Sincerely,
(Signed) KAY A. ORR
Governor

April 8, 1988

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

Dear Mr. President and Senators:

I am returning LB 1221 and LB 1221A without my signature and with my objections.

LB 1221 and LB 1221A require and provide funds for the state to assume the cost of care for persons determined to be incompetent to stand trial and are committed to the regional centers. Currently the counties are responsible for these costs because determination of competency is part of the trial process. In my judgment payment of such costs is a legitimate responsibility of the counties.

I urge you to sustain my veto.

Sincerely,
(Signed) KAY A. ORR

Governor

April 8, 1988

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

Dear Mr. President and Senators:

I am returning LB 672 without my signature and with my objections.

LB 672 would require a majority of the members of the Parole Board to hold a formal public hearing when an inmate first becomes eligible for parole. Hearings would have to be held even if the inmate is unlikely to be paroled. This would add at least fifty public hearings to the Parole Board's workload each month. There is no evidence that the current system is not working. To change the system to add so greatly to the Board's workload, there must be greater evidence of need.

Sincerely,
(Signed) KAY A. ORR
Governor

April 8, 1988

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

Dear Mr. President and Senators:

I am returning LB 1079A without my signature and with my objections.

LB 1079A makes an appropriation to the Department of Social Services for the implementation of the Prompt Payment Act. After further review and discussion with the Department, we have concluded that the bill can be implemented at no additional cost to the Department.

I urge you to sustain my veto.

Sincerely,
(Signed) KAY A. ORR
Governor

April 8, 1988

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

Dear Mr. President and Senators:

I am returning LB 823 without my signature and with my objections.

LB 823 would allow any nonprofit community organization to contract with a willing high school district for use of a school bus within a restricted geographical area. While noble in its intent of assisting community groups, the bill raises serious substantive issues. Unlike commercial bus charter operations, no safety or other regulatory oversight would be provided for such uses. Unfair competition with the private sector would also be likely. Finally, a serious accident could expose school districts to liability.

Prudence dictates that our communities be protected from possible unintended dangerous consequences of this legislation.

Sincerely,
(Signed) KAY A. ORR
Governor

April 8, 1988

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

Dear Mr. President and Senators:

I am returning LB 1143 and LB 1143A without my signature and with my objections.

LB 1143 establishes a vacant building committee that is responsible for identifying vacant state buildings and either selling them or leasing them for future state use. In addition LB 1143A

appropriates $200,000 from the General Fund for the implementation of this act. The implementation of this new state program and expenditure of funds is not necessary. Currently we have a state building inventory and review of all state buildings being conducted by the 309 Task Force and the Building Division of the Department of Administrative Services. With this veto I will be directing them to more aggressively work with our state agencies in the review of state building utilization. We do not need to hire more employees and expend $200,000 doing what can be done within our current programs.

I urge you to sustain my veto.

Sincerely,
(Signed) KAY A. ORR
Governor

April 8, 1988

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

Dear Mr. President and Senators:

Today I signed and delivered to the Secretary of State LB 940 and LB 940A, a compromise measure that will continue the discussions regarding the structure of elementary-secondary education in Nebraska. The bill preserves the right of elementary-only school districts to exist.

I remain committed to helping our lawmakers develop a fair, effective and constitutional affiliation mechanism. Such a procedure would allow Class I schools to retain their structure, identity and local control, while tying their tax base to a receiving K-12 district for high school purposes. Once that is achieved, Nebraska will have the best of both worlds: sufficient uniformity and tax equity to support a sound K-12 sequence for all students, and, at the same time, the broad flexibility in school structure that is needed to meet the needs of our diverse communities.

Everything from our own heritage to the advice of national experts tells us we need to nurture our rural schools. Together we can develop an educational system that is a model of effectiveness and accountability, and that preserves the high quality of education throughout our state for which Nebraskans are justifiably proud.

Sincerely,
(Signed) KAY A. ORR
Governor

April 7, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 352, 934, 1126, 463, 913, 1079, 1157, 301, 301A, 684, 987, 987A, 890, 1013, 1013A, 90, 445, 703, 766, 766A, 833 and 835 were received in my office on April 7, 1988.

These bills were signed by me on April 7, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 7, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1100 and 1100A were received in my office on April 5, 1988.

These bills were signed by me on April 7, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 8, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 855, 858, 899, 1089, 1110, 1207, 1207A, 1217, and 1233 were received in my office on April 7, 1988.

These bills were signed by me on April 8, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 8, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 419, 419A, 664 and 664A were received in my office on April 7, 1988.

These bills were signed by me on April 8, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 8, 1988, at 12:40 p.m., were the following bills: 295A, 369, 632, 700, 716, 716A, 866, 884, 953, 978, 998, 1004, 1008, 1008A, 1039, 1039A, and 1042.

(Signed) Pam Moravec, Enrolling Clerk

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 8, 1988. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Boyer, John K. - Omaha, Services For Children, Inc.
Burch, Janice E. - Lincoln, National Audubon Council
Erickson & Sederstrom
Thone, Charles - Lincoln, Immanual, Inc.
Litjen, Thomas R. - Omaha, Mercy-Midlands
Mueller, William J./Knudsen, Berkheimer, et al.
Mueller, William J. - Lincoln, The Nebraska Methodist Hospital, Inc.
Pappas, James E. - Lincoln, Bergan Mercy Hospital; Financial Institutions of Nebraska
Ruth, Larry L./Knudsen, Berkheimer, et al.
Ruth, Larry L. - Lincoln, The Nebraska Methodist Hospital, Inc.
Schaaf, Terry R. - Lincoln, Contemporary Industries Midwest Inc. (Withdrawn 88/04/01)
Skochdopole, Robert A. - Omaha, Mercy-Midlands; Valmont Industries, Inc. (Withdrawn 88/03/22)
Wright, Norman H. - Omaha, Services For Children, Inc.

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1092. With Emergency.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend sections 81-1578, 81-1579, 81-1581, 81-15,101.01, and 81-15,104, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide facility site selection procedures as prescribed; to provide duties for the developer; to create local monitoring committees; to provide duties for the

committees; to create funds; to provide fees; to appropriate funds; to impose conditions on and prohibit the disposal of certain wastes; to provide for compensation for loss of property value as prescribed; to provide for strict liability in tort; to restrict acceptance of applications 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, 47:

Abboud	Conway	Higgins	McFarland	Schellpeper
Ashford	Coordsen	Johanns	Miller	Schmit
Baack	Dierks	Johnson, L.	Moore	Scofield
Barrett	Elmer	Johnson, R.	Morehead	Smith
Bernard-Stevens	Goodrich	Johnson, V.	Nelson	Warner
	Haberman	Labedz	Peterson	Wehrbein
Beyer	Hall	Lamb	Pirsch	Weihing
Campbell	Hannibal	Landis	Remmers	Wesely
Chambers	Hartnett	Langford	Rogers	Withem
Chizek	Hefner	Lynch		

Voting in the negative, 0.

Present and not voting, 1:

Korshoj

Excused and not voting, 1:

Marsh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1106.

A BILL FOR AN ACT relating to the Governor's Policy Research Office; to amend sections 81-1316 and 84-133, Reissue Revised Statutes of Nebraska, 1943; to exempt personnel of the office from the State Personnel System; to rename the office; 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, 45:

Abboud	Conway	Hefner	McFarland	Schellpeper
Ashford	Coordsen	Johnson, L.	Miller	Schmit
Baack	Dierks	Johnson, R.	Moore	Scofield
Barrett	Elmer	Johnson, V.	Morehead	Smith
Bernard-Stevens	Goodrich	Labedz	Nelson	Warner
	Haberman	Lamb	Peterson	Wehrbein
Beyer	Hall	Landis	Pirsch	Weihing
Campbell	Hannibal	Langford	Remmers	Wesely
Chambers	Hartnett	Lynch	Rogers	Withem
Chizek				

Voting in the negative, 1:

Higgins

Present and not voting, 2:

Johanns Korshoj

Excused and not voting, 1:

Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1160 to Select File

Mr. Hall moved to return LB 1160 to Select File for the following specific amendment:

To amend LB 1160 by striking Section 5 of the (blue) Final Reading copy (p.3).

Mr. Moore 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. Hall withdrew his motion to return.

Mr. Warner moved to return LB 1160 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Warner withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1160. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make appropriations to the Nebraska Natural Resources Commission, the Attorney General, and the Department of Administrative Services; to reduce appropriations to the Attorney General and the Nebraska Liquor Control Commission; to provide for a transfer; and to declare an emergency.

Mr. Warner requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Abboud	Coordsen	Johnson, R.	Miller	Schellpeper
Ashford	Elmer	Korshoj	Moore	Schmit
Barrett	Hannibal	Lamb	Morehead	Scofield
Bernard-Stevens	Hartnett	Landis	Peterson	Smith
	Hefner	Langford	Pirsch	Warner
Beyer	Johanns	Marsh	Remmers	Wehrbein
Campbell	Johnson, L.	McFarland	Rogers	Weihing

Voting in the negative, 11:

Baack	Dierks	Hall	Lynch	Wesely
Chizek	Haberman	Johnson, V.	Nelson	Withem
Conway				

Present and not voting, 3:

Chambers Goodrich Higgins

Absent 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.

MOTION - Return LB 1174 to Select File

Mr. Warner and Mrs. Morehead moved to return LB 1174 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Korshoj 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 Warner-Morehead motion to return lost with 17 ayes, 23 nays, 8 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1174.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1446.01 and 49-1490, Reissue Revised Statutes of Nebraska, 1943; to provide for additional expenditures by a committee as prescribed; to redefine a term; and to repeal the original sections.

Whereupon the 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:

Baack	Goodrich	Higgins	Landis	Rogers
Beyer	Haberman	Johnson, L.	Lynch	Schmit
Chambers	Hall	Johnson, R.	Moore	Scofield
Chizek	Hartnett	Johnson, V.	Peterson	Wesely
Conway	Hefner	Labedz	Pirsch	Withem
Dierks				

Voting in the negative, 21:

Abboud	Coordsen	Lamb	Miller	Smith
Ashford	Elmer	Langford	Morehead	Warner
Barrett	Hannibal	Marsh	Nelson	Wehrbein
Bernard-Stevens	Johanns	McFarland	Remmers	Weihing
	Korshoj			

Present and not voting, 1:

Campbell

Excused and not voting, 1:

Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1178 to Select File

Mr. Ashford moved to return LB 1178 to Select File for the following specific amendment:

To amend LB 1178 as follows:

On Page 13, Line 8, strike "March 1" and insert "February 28".

Mr. Ashford withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1178.

A BILL FOR AN ACT relating to civil procedure; to amend section 39-619, Reissue Revised Statutes of Nebraska, 1943; to provide for the reduction of damages in certain actions for contributory fault as prescribed; to define a term; to provide for joint and several liability as prescribed; to provide for allocation of damages between parties; to provide for payment of uncollectible judgments; to prescribe forms; to provide for release from liability; to provide for contribution; to provide applicability; to eliminate provisions relating to contributory and comparative negligence; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original section, and also section 25-21,185, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud	Campbell	Hannibal	Langford	Schmit
Ashford	Chambers	Hartnett	Lynch	Smith
Baack	Chizek	Johanns	Marsh	Warner
Barrett	Conway	Johnson, L.	McFarland	Weihing
Bernard-Stevens	Coordsen	Johnson, V.	Morehead	Wesely
Beyer	Elmer	Labedz	Nelson	Withem
	Haberman	Landis	Remmers	

Voting in the negative, 10:

Dierks	Hall	Korshoj	Miller	Pirsch
Goodrich	Hefner	Lamb	Peterson	Wehrbein

Present and not voting, 4:

Higgins	Johnson, R.	Moore	Scofield

Excused and not voting, 2:

Rogers	Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT NICHOL PRESIDING

LEGISLATIVE BILL 1232.

A BILL FOR AN ACT relating to pickle cards and other gambling; to amend sections 9-1,101, 9-301 to 9-304, 9-309, 9-314, 9-316, 9-320, 9-322 to 9-329, 9-331, 9-333, 9-340, 9-342 to 9-344, and 9-346 to 9-349, Revised Statutes Supplement, 1986, and section 9-352, Revised Statutes Supplement, 1987; to define, redefine, and eliminate terms; to restate intent; to change provisions relating to the regulation of certain gambling statutes; to establish a Gaming Commission; to provide for the applicability of certain provisions; to change provisions relating to the issuance, denial, expiration, renewal, and suspension of certain pickle card licenses; to provide an administrative fine as prescribed; to provide for the disposition of the proceeds of such fine; to provide for the classification of licenses; to provide and change restrictions on the conduct of lotteries by the sale of pickle cards; to require the payment of certain expenses by check as prescribed; to provide fees; to require self-funding of lotteries by the sale of pickle cards as prescribed; to change the taxation of pickle card activities; to prohibit certain conflicts of interests; to change requirements of and provide for records and reports; to provide penalties; to appropriate funds; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 9-318, Revised Statutes Supplement, 1986.

Whereupon the 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	Chizek	Hartnett	Landis	Peterson
Ashford	Conway	Hefner	Langford	Pirsch
Baack	Coordsen	Higgins	Lynch	Remmers
Barrett	Dierks	Johanns	Marsh	Rogers
Bernard-Stevens	Elmer	Johnson, L.	McFarland	Scofield
	Goodrich	Johnson, V.	Miller	Smith
Beyer	Haberman	Korshoj	Moore	Warner
Campbell	Hall	Labedz	Morehead	Wehrbein
Chambers	Hannibal	Lamb	Nelson	Weihing

Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Johnson, R. Schmit

Excused and not voting, 1:

Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1234.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2708, 77-2716.01, 77-4101, 77-4103, 77-4104, 77-4105, and 77-4107, Revised Statutes Supplement, 1987; to provide for a refund of sales and use taxes as prescribed; to change the amount of the standard deduction as prescribed; to define and redefine terms; to change provisions relating to the Employment and Investment Growth Act; to harmonize provisions; to provide duties; to make an appropriation; 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, 48:

Abboud	Conway	Higgins	Lynch	Rogers
Ashford	Coordsen	Johanns	Marsh	Schmit
Baack	Dierks	Johnson, L.	McFarland	Scofield
Barrett	Elmer	Johnson, R.	Miller	Smith
Bernard-Stevens	Goodrich	Johnson, V.	Moore	Warner
	Haberman	Korshoj	Morehead	Wehrbein
Beyer	Hall	Labedz	Nelson	Weihing
Campbell	Hannibal	Lamb	Peterson	Wesely
Chambers	Hartnett	Landis	Pirsch	Withem
Chizek	Hefner	Langford	Remmers	

Voting in the negative, 0.

Excused and not voting, 1:

Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LR 21CA to Select File

Mr. V. Johnson moved to return LR 21CA to Select File for the following specific amendment:
To indefinitely postpone.

Pending.

Mr. Hall 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: 1073, 1073A, 1092, 1106, 1160, 1174, 1178, 1232, and 1234.

MOTION - Return LR 21CA to Select File

The pending V. Johnson motion to return LR 21CA to Select File, was renewed.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Korshoj 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. V. Johnson requested a roll call vote on his motion to return.

Voting in the affirmative, 25:

Baack	Dierks	Johanns	Marsh	Pirsch
Barrett	Elmer	Johnson, V.	McFarland	Remmers
Beyer	Hall	Landis	Miller	Warner
Chambers	Hannibal	Langford	Morehead	Wesely
Chizek	Higgins	Lynch	Nelson	Withem

Voting in the negative, 23:

Abboud	Coordsen	Johnson, L.	Moore	Scofield
Ashford	Goodrich	Johnson, R.	Peterson	Smith
Bernard-Stevens	Haberman	Korshoj	Rogers	Wehrbein
	Hartnett	Labedz	Schellpeper	Weihing
Campbell	Hefner	Lamb	Schmit	

Present and not voting, 1:

Conway

The V. Johnson motion to return prevailed with 25 ayes, 23 nays, and 1 present and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 21CA. The V. Johnson motion to indefinitely postpone was considered.

Mrs. Johanns 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. V. Johnson requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 25:

Baack	Conway	Higgins	Marsh	Pirsch
Barrett	Dierks	Johanns	McFarland	Rogers
Beyer	Elmer	Johnson, V.	Miller	Warner
Chambers	Hall	Landis	Morehead	Wesely
Chizek	Hannibal	Langford	Nelson	Withem

Voting in the negative, 24:

Abboud	Ashford

Bernard-Stevens	Haberman	Korshoj	Peterson	Scofield
Campbell	Hartnett	Labedz	Remmers	Smith
Coordsen	Hefner	Lamb	Schellpeper	Wehrbein
Goodrich	Johnson, L.	Lynch	Schmit	Weihing
	Johnson, R.	Moore		

Not voting, 0.

The V. Johnson motion to indefinitely postpone prevailed with 25 ayes, 24 nays, and 0 not voting.

MESSAGE FROM THE GOVERNOR

April 8, 1988

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

Dear Mr. President and Senators:

Today I signed and delivered to the Secretary of State LB 375. The issue of interstate banking has been before the Legislature for a number of years. After listening and giving careful consideration to the arguments on both sides, I believe that the effects of interstate banking on the residents of Nebraska will be beneficial.

The results of a competitive environment based upon a free enterprise system should generally yield better services for the consumer at the lowest cost. Interstate banking should promote such competition in banking. That should mean higher interest rates for depositors, and lower interest rates for borrowers. I do not feel interstate banking poses a concern to our smaller banks, for there will always be a place for a well run community bank. LB 375 stipulates that before banks in other states can enter Nebraska, banks in our state must be given the same privilege in their state.

It pleases me the Legislature has included language in the bill to assure that out of state bank holding companies which seek to acquire Nebraska banks will be good corporate citizens who will invest in Nebraska.

Sincerely,
(Signed) KAY A. ORR
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 8, 1988, at 4:30 p.m., were the following bills: 1073, 1073A, 1092, 1106, 1160, 1174, 1178, 1232, and 1234.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Member Excused

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Reconsider Action on LB 1226

Mrs. Johanns moved to reconsider the vote on LB 1226 on Final Reading.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Haberman requested a record vote on the Johanns motion to reconsider.

Voting in the affirmative, 32:

Ashford	Conway	Johanns	Miller	Schmit
Baack	Coordsen	Johnson, V.	Moore	Scofield
Bernard-Stevens	Dierks	Labedz	Morehead	Wehrbein
Campbell	Elmer	Landis	Nelson	Weihing
Chambers	Hall	Lynch	Remmers	Wesely
Chizek	Hartnett	Marsh	Rogers	Withem
	Higgins	McFarland		

Voting in the negative, 13:

Abboud	Haberman	Johnson, L.	Peterson	Schellpeper
Beyer	Hannibal	Lamb	Pirsch	Warner
Goodrich	Hefner	Langford		

Present and not voting, 4:

Barrett	Johnson, R.	Korshoj	Smith

The Johanns motion to reconsider prevailed with 32 ayes, 13 nays, and 4 present and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 1226.

A BILL FOR AN ACT relating to football; to provide that football players at the University of Nebraska-Lincoln be paid a stipend as prescribed; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Ashford	Chizek	Johnson, V.	Miller	Rogers
Baack	Conway	Labedz	Moore	Schmit
Bernard-Stevens	Hall	Landis	Morehead	Weihing
	Hartnett	Marsh	Nelson	Wesely
Campbell	Higgins	McFarland	Remmers	Withem
Chambers	Johanns			

Voting in the negative, 23:

Abboud	Elmer	Johnson, L.	Lynch	Scofield
Barrett	Goodrich	Johnson, R.	Peterson	Smith
Beyer	Haberman	Korshoj	Pirsch	Warner
Coordsen	Hannibal	Lamb	Schellpeper	Wehrbein
Dierks	Hefner	Langford		

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 bill: 1226.

UNANIMOUS CONSENT - Members Excused

Messrs. Ashford, Moore, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Override Line-Item Veto on LB 1041

Mr. Warner renewed his pending motion found in the Journal on page 2170 that pursuant to Rule 6, Section 14, the Appropriations Committee by majority vote moves that the Legislature override the Governor's line item reduction in Section 79, subsection (2), of $220,000 for planning of the renovation of vacated Capitol space and in Section 79, subsection (3), of $30,000 for the competition and planning for completion of the Capitol murals.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 36:

Baack	Goodrich	Johnson, V.	Morehead	Schmit
Bernard-Stevens	Haberman	Labedz	Nelson	Scofield
Beyer	Hall	Landis	Peterson	Smith
Campbell	Hannibal	Langford	Pirsch	Warner
Coordsen	Hefner	Lynch	Remmers	Wehrbein
Dierks	Higgins	Marsh	Rogers	Weihing
Elmer	Johanns	McFarland	Schellpeper	Wesely
	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 10:

Abboud	Chambers	Conway	Korshoj	Miller
Barrett	Chizek	Hartnett	Lamb	Withem

Excused and not voting, 3:

Ashford	Johnson, R.	Moore

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

MOTION - Override Veto on LB 1041

Mr. Lynch asked unanimous consent to replace the Weihing motion found in the Journal on page 2170 with his substitute motion found in the Journal on page 2171. No objections. So ordered.

Mr. Lynch renewed his pending motion found in the Journal on page 2171 that LB 1041 become law notwithstanding the line-item vetoes therein.

SPEAKER BARRETT PRESIDING

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Ashford	Goodrich	Korshoj	McFarland	Schmit
Baack	Hall	Labedz	Morehead	Scofield
Chambers	Hartnett	Landis	Nelson	Smith
Chizek	Higgins	Langford	Pirsch	Weihing
Conway	Johnson, R.	Lynch	Rogers	Wesely
Dierks	Johnson, V.	Marsh	Schellpeper	Withem

Voting in the negative, 18:

Abboud	Beyer	Hannibal	Lamb	Remmers
Barrett	Coordsen	Hefner	Miller	Warner
Bernard-Stevens	Elmer Haberman	Johanns Johnson, L.	Moore Peterson	Wehrbein

Present and not voting, 1:

Campbell

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 350

Mr. Lynch renewed his pending motion found in the Journal on page 2113 that LB 350 become law notwithstanding the objections of the Governor.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

Ashford	Hall	Labedz	Moore	Schmit
Baack	Hannibal	Landis	Nelson	Scofield
Chambers	Hartnett	Lynch	Pirsch	Smith
Chizek	Hefner	Marsh	Remmers	Wehrbein
Dierks	Higgins	McFarland	Rogers	Weihing
Elmer	Johnson, R.	Miller	Schellpeper	Wesely
Goodrich	Korshoj			

Voting in the negative, 10:

Abboud	Bernard-Stevens	Campbell	Haberman	Lamb
Barrett		Coordsen	Johnson, L.	Langford
				Warner

Present and not voting, 7:

Beyer	Johanns	Morehead	Peterson	Withem
Conway	Johnson, V.			

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 350A

Mr. Lynch renewed his pending motion found in the Journal on page 2113 that LB 350A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 35:

Ashford	Hall	Korshoj	Miller	Schmit
Baack	Hannibal	Labedz	Moore	Scofield
Chizek	Hartnett	Lamb	Nelson	Smith
Coordsen	Hefner	Landis	Pirsch	Warner
Dierks	Higgins	Lynch	Remmers	Wehrbein
Elmer	Johnson, L.	Marsh	Rogers	Weihing
Goodrich	Johnson, R.	McFarland	Schellpeper	Wesely

Voting in the negative, 6:

Abboud	Bernard-Stevens	Campbell	Haberman	Langford
Barrett				

Present and not voting, 8:

Beyer	Conway	Johnson, V.	Peterson	Withem
Chambers	Johanns	Morehead		

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 868

Messrs. Chizek, Hall, and Chambers renewed their pending motion found in the Journal on page 2114 that LB 868 become law notwithstanding the objections of the Governor.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 37:

Ashford	Coordsen	Hall	Johanns	Labedz
Barrett	Dierks	Hannibal	Johnson, L.	Lamb
Beyer	Elmer	Hefner	Johnson, R.	Landis
Chizek	Goodrich	Higgins	Korshoj	Lynch

Marsh	Morehead	Remmers	Schmit	Warner
McFarland	Nelson	Rogers	Scofield	Weihing
Miller	Peterson	Schellpeper	Smith	Wesely
Moore	Pirsch			

Voting in the negative, 6:

Abboud	Bernard-Stevens	Campbell	Conway	Haberman
				Langford

Present and not voting, 6:

Baack	Hartnett	Johnson, V.	Wehrbein	Withem
Chambers				

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 868A

Messrs. Chizek, Hall, and Chambers renewed their pending motion found in the Journal on page 2114 that LB 868A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 39:

Ashford	Dierks	Johanns	McFarland	Schellpeper
Baack	Elmer	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Hall	Korshoj	Nelson	Smith
Chambers	Hannibal	Lamb	Peterson	Warner
Chizek	Hartnett	Landis	Pirsch	Weihing
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Higgins	Marsh	Rogers	

Voting in the negative, 5:

Abboud	Bernard-Stevens	Campbell	Haberman	Langford

Present and not voting, 5:

Johnson, V.	Labedz	Moore	Wehrbein	Withem

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 557

Mr. Hall renewed his pending motion found in the Journal on page 2114 that LB 557 become law notwithstanding the objections of the Governor.

Mr. Hall moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Mr. Hall requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Abboud	Conway	Johnson, V.	Moore	Schmit
Baack	Goodrich	Labedz	Morehead	Smith
Beyer	Hall	Landis	Nelson	Wehrbein
Campbell	Hannibal	Langford	Pirsch	Weihing
Chambers	Hartnett	Lynch	Remmers	Wesely
Chizek	Johnson, R.	Marsh	Rogers	Withem

Voting in the negative, 13:

Barrett	Coordsen	Hefner	McFarland	Scofield
Bernard-Stevens	Dierks	Johnson, L.	Miller	Warner
	Haberman	Lamb	Schellpeper	

Present and not voting, 6:

Ashford	Higgins	Johanns	Korshoj	Peterson
Elmer				

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 557A

Mr. Hall renewed his pending motion found in the Journal on page 2114 that LB 557A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 37:

Abboud	Dierks	Korshoj	McFarland	Schellpeper
Ashford	Elmer	Labedz	Moore	Schmit
Baack	Goodrich	Lamb	Morehead	Smith
Beyer	Hall	Landis	Nelson	Wehrbein
Campbell	Hannibal	Langford	Pirsch	Weihing
Chambers	Hartnett	Lynch	Remmers	Wesely
Chizek	Johnson, R.	Marsh	Rogers	Withem
Coordsen	Johnson, V.			

Voting in the negative, 2:

Haberman Hefner

Present and not voting, 10:

Barrett	Conway	Johanns	Miller	Scofield
Bernard-Stevens	Higgins	Johnson, L.	Peterson	Warner

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 846

Mr. Hall renewed his pending motion found in the Journal on page 2113 that LB 846 become law notwithstanding the objections of the Governor.

Mrs. Langford 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. Hall requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Baack	Goodrich	Korshoj	Miller	Schellpeper
Bernard-Stevens	Hall	Labedz	Nelson	Schmit
Chambers	Hartnett	Landis	Peterson	Scofield
Chizek	Higgins	Lynch	Pirsch	Smith
Conway	Johanns	Marsh	Remmers	Weihing
Dierks	Johnson, R.	McFarland	Rogers	Wesely
	Johnson, V.			

Voting in the negative, 14:

Abboud	Elmer	Hefner	Langford	Warner
Ashford	Haberman	Johnson, L.	Moore	Wehrbein
Coordsen	Hannibal	Lamb	Morehead	

Present and not voting, 4:

Barrett	Beyer	Campbell	Withem

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

COMMUNICATION

April 8, 1988

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1041 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of the line-item vetoes, notwithstanding the objections of the Governor.

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

PJO:r
Enc.

CERTIFICATE

Legislative Bill 1041 having been returned by the Governor with her signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden all said line-item vetoes.

These provisions have become law the eighth day of April, 1988.

(Signed) William E. Barrett
President of the Legislature

MOTION - Override Veto on LB 863

Messrs. Hall, Withem, and Chizek renewed their pending motion found in the Journal on page 2114 that LB 863 become law notwithstanding the objections of the Governor.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Ashford	Dierks	Johnson, R.	Marsh	Schmit
Baack	Goodrich	Johnson, V.	McFarland	Smith
Chambers	Hall	Korshoj	Miller	Wehrbein
Chizek	Hartnett	Labedz	Nelson	Weihing
Conway	Hefner	Landis	Remmers	Wesely
Coordsen	Higgins	Lynch	Schellpeper	Withem

Voting in the negative, 16:

Abboud	Barrett

Bernard-Stevens	Campbell	Hannibal	Langford	Pirsch
Beyer	Elmer	Johnson, L.	Moore	Scofield
	Haberman	Lamb	Morehead	Warner

Present and not voting, 3:

Johanns	Peterson	Rogers

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 863A

Messrs. Hall, Withem, and Chizek renewed their pending motion found in the Journal on page 2114 that LB 863A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Ashford	Dierks	Johnson, R.	Marsh	Schellpeper
Baack	Goodrich	Johnson, V.	McFarland	Smith
Chambers	Hall	Korshoj	Miller	Wehrbein
Chizek	Hartnett	Labedz	Morehead	Weihing
Conway	Hefner	Landis	Nelson	Wesely
Coordsen	Higgins	Lynch	Remmers	Withem

Voting in the negative, 15:

Abboud	Beyer	Haberman	Lamb	Pirsch
Barrett	Campbell	Hannibal	Langford	Scofield
Bernard-Stevens	Elmer	Johnson, L.	Moore	Warner

Present and not voting, 4:

Johanns	Peterson	Rogers	Schmit

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 647

Mrs. Nelson and Mr. Wesely renewed their pending motion found in the Journal on page 2145 that LB 647 become law notwithstanding the objections of the Governor.

Mr. Lynch 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. Nelson requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 25:

Barrett	Dierks	Johanns	Landis	Nelson
Campbell	Goodrich	Johnson, R.	Lynch	Rogers
Chambers	Hall	Korshoj	Marsh	Schellpeper
Chizek	Hefner	Labedz	McFarland	Wesely
Coordsen	Higgins	Lamb	Miller	Withem

Voting in the negative, 24:

Abboud	Beyer	Hartnett	Morehead	Scofield
Ashford	Conway	Johnson, L.	Peterson	Smith
Baack	Elmer	Johnson, V.	Pirsch	Warner
Bernard-Stevens	Haberman	Langford	Remmers	Wehrbein
	Hannibal	Moore	Schmit	Weihing

Not voting, 0.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 942

Mr. Chizek moved that LB 942 become law notwithstanding the objections of the Governor.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 37:

Abboud	Chizek	Higgins	Miller	Schmit
Ashford	Conway	Johnson, L.	Morehead	Smith
Baack	Dierks	Korshoj	Nelson	Warner
Barrett	Elmer	Labedz	Pirsch	Wehrbein
Bernard-Stevens	Goodrich	Landis	Remmers	Weihing
	Hall	Lynch	Rogers	Wesely
Beyer	Hannibal	Marsh	Schellpeper	Withem
Chambers	Hartnett	McFarland		

Voting in the negative, 3:

Campbell	Lamb	Langford

Present and not voting, 9:

Coordsen	Hefner	Johnson, R.	Moore	Scofield
Haberman	Johanns	Johnson, V.	Peterson	

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 1143

Mr. Peterson moved that LB 1143 become law notwithstanding the objections of the Governor.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

Ashford	Chizek	Hartnett	Langford	Peterson
Baack	Conway	Higgins	Lynch	Remmers
Bernard-Stevens	Coordsen	Johnson, L.	Marsh	Smith
Beyer	Dierks	Johnson, R.	McFarland	Wehrbein
Campbell	Elmer	Korshoj	Miller	Weihing
Chambers	Goodrich	Labedz	Moore	Wesely
	Hall	Landis	Morehead	

Voting in the negative, 0.

Present and not voting, 16:

Abboud	Hefner	Lamb	Rogers	Scofield
Barrett	Johanns	Nelson	Schellpeper	Warner
Haberman	Johnson, V.	Pirsch	Schmit	Withem
Hannibal				

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 1143A

Mr. Peterson moved that LB 1143A become law notwithstanding the objections of the Governor.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 22:

Ashford	Chizek	Higgins	Lynch	Remmers
Baack	Dierks	Johnson, L.	McFarland	Rogers
Beyer	Goodrich	Korshoj	Morehead	Wehrbein
Campbell	Hall	Labedz	Peterson	Wesely
Chambers	Hartnett			

Voting in the negative, 21:

Abboud	Elmer	Lamb	Moore	Scofield
Barrett	Haberman	Langford	Nelson	Smith
Bernard-Stevens	Hannibal	Marsh	Pirsch	Warner
Conway	Hefner	Miller	Schellpeper	Weihing
	Johnson, R.			

Present and not voting, 6:

Coordsen	Johnson, V.	Landis	Schmit	Withem
Johanns				

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 1221

Messrs. L. Johnson, Chizek, Lynch, and Wehrbein moved that LB 1221 become law notwithstanding the objections of the Governor.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mrs. Marsh requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 27:

Baack	Chizek	Johanns	Lynch	Peterson
Bernard-Stevens	Dierks	Johnson, L.	Marsh	Remmers
Beyer	Goodrich	Johnson, R.	McFarland	Rogers
Campbell	Hall	Korshoj	Miller	Wehrbein
Chambers	Hefner	Labedz	Moore	Weihing
	Higgins	Landis		

Voting in the negative, 21:

Abboud	Coordsen	Johnson, V.	Nelson	Scofield
Ashford	Elmer	Lamb	Pirsch	Smith
Barrett	Haberman	Langford	Schellpeper	Warner
Conway	Hannibal	Morehead	Schmit	Wesely

Withem

Present and not voting, 1:

Hartnett

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 672

Mr. Chambers moved that LB 672 become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 23:

Baack	Conway	Johnson, R.	Marsh	Wehrbein
Bernard-Stevens	Dierks	Korshoj	McFarland	Weihing
Chambers	Hall	Labedz	Remmers	Wesely
Chizek	Hartnett	Landis	Rogers	Withem
	Higgins	Lynch	Smith	

Voting in the negative, 22:

Abboud	Coordsen	Johnson, V.	Morehead	Schellpeper
Ashford	Goodrich	Lamb	Nelson	Schmit
Barrett	Haberman	Miller	Peterson	Scofield
Beyer	Hefner	Moore	Pirsch	Warner
Campbell	Johnson, L.			

Present and not voting, 4:

Elmer	Hannibal	Johanns	Langford

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 - Approve Appointment

Mr. Withem moved the adoption of the report of the Education Committee for the following Governor appointment found in the Journal on page 2180: David A. Stubbs - Nebraska Safety Center Advisory Council.

Voting in the affirmative, 43:

Abboud	Conway	Johanns	McFarland	Schmit
Ashford	Coordsen	Johnson, L.	Miller	Scofield
Baack	Dierks	Johnson, R.	Moore	Smith
Barrett	Elmer	Johnson, V.	Morehead	Warner
Bernard-Stevens	Haberman	Korshoj	Nelson	Wehrbein
	Hall	Labedz	Peterson	Weihing
Campbell	Hartnett	Landis	Pirsch	Wesely
Chambers	Hefner	Lynch	Remmers	Withem
Chizek	Higgins	Marsh	Rogers	

Voting in the negative, 0.

Present and not voting, 6:

Beyer	Hannibal	Lamb	Langford	Schellpeper
Goodrich				

The appointment was confirmed with 43 ayes, 0 nays, and 6 present and not voting.

COMMUNICATION

April 8, 1988

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 846 with a certificate attached thereto signed by the President of

the Legislature, certifying the passage of LB 846, notwithstanding the objections of the Governor.

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

PJO:r
Enc.

CERTIFICATE

Legislative Bill 846 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this eighth day of April, 1988.

(Signed) William E. Barrett
President of the Legislature

COMMUNICATION

April 8, 1988

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 863 and LB 863A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 863 and 863A, notwithstanding the objections of the Governor.

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

PJO:r
Enc.

CERTIFICATE

Legislative Bills 863 and 863A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this eighth day of April, 1988.

(Signed) William E. Barrett
President of the Legislature

COMMUNICATION

April 8, 1988

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 557 and LB 557A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 557 and LB 557A, notwithstanding the objections of the Governor.

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

PJO:r
Enc.

CERTIFICATE

Legislative Bills 557 and 557A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this eighth day of April, 1988.

(Signed) William E. Barrett
President of the Legislature

COMMUNICATION

April 8, 1988

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 868 and LB 868A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 868 and LB 868A, notwithstanding the objections of the Governor.

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

PJO:r
Enc.

CERTIFICATE

Legislative Bills 868 and 868A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this eighth day of April, 1988.

(Signed) William E. Barrett
President of the Legislature

COMMUNICATION

April 8, 1988

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 350 and LB 350A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 350 and 350A, notwithstanding the objections of the Governor.

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

PJO:r
Enc.

CERTIFICATE

Legislative Bills 350 and 350A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this eighth day of April, 1988.

(Signed) William E. Barrett
President of the Legislature

COMMUNICATION

April 8, 1988

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 942 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 942, notwithstanding the objections of the Governor.

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

PJO:r
Enc.

CERTIFICATE

Legislative Bill 942 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this eighth day of April, 1988.

(Signed) William E. Barrett
President of the Legislature

COMMUNICATION

April 8, 1988

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1143 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1143, notwithstanding the objections of the Governor.

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

PJO:r
Enc.

CERTIFICATE

Legislative Bill 1143 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this eighth day of April, 1988.

(Signed) William E. Barrett
President of the Legislature

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Peterson asked unanimous consent to have his name added as co-introducer to LB 369. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 8, 1988, at 5:25 p.m., was the following bill: 1226.

(Signed) Pam Moravec, Enrolling Clerk

MOTION - Suspend Rules

Mr. Lynch moved to suspend Rule 4, Section 5, and adopt the following resolutions with a single vote: LRs 332, 378, 424, 426, 427, 428, 429, 432, 433, 435, 436, 437, 438, 439, 440, and 442.

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. V. Johnson requested a division of the motion.

Mr. Lynch withdrew his pending motion to suspend the rules.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Lynch moved to suspend Rule 4, Section 5, and adopt the following resolutions with a single vote: LRs 332, 378, 424, 426, 427, 429, 432, 433, 435, 436, 437, 438, 439, 440, and 442.

Mr. Lynch withdrew his pending motion to suspend the rules.

RESOLUTION

LEGISLATIVE RESOLUTION 332. Read. Considered.

Pending.

MOTION - Adjourn Sine Die

Mr. V. Johnson moved to adjourn sine die. The motion lost with 10 ayes, 21 nays, and 18 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 332. Considered.

Mr. Chambers offered the following amendment:

In first "resolve", add "motorist and" before the word "Motorcycle".

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schellpeper 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 Chambers amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

LR 332 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 378. Read. Considered.

LR 378 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 424. Read. Considered.

LR 424 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 426. Read. Considered.

LR 426 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 427. Read. Considered.

LR 427 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 428. Read. Considered.

Mr. R. 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.

LR 428 was adopted with 32 ayes, 0 nays, and 17 not voting.

MOTION - Suspend Rules

Mr. V. Johnson moved to suspend Rule 4, Section 5, and adopt the following resolutions with a single vote: LRs 429, 432, 433, 435, 437, 438, 439, 440, and 442.

The V. Johnson motion to suspend the rules and adopt the resolutions prevailed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 436. Read. Considered.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

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.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 22 ayes, 5 nays, and 22 not voting.

Mr. Schellpeper requested a roll call vote on the adoption of LR 436.

Voting in the affirmative, 19:

Bernard-Stevens	Hall	Johanns	Lynch	Schellpeper
Beyer	Hannibal	Labedz	McFarland	Schmit
Chizek	Hartnett	Lamb	Miller	Warner
	Higgins	Langford	Moore	Withem

Voting in the negative, 29:

Abboud	Conway	Hefner	Marsh	Rogers
Ashford	Coordsen	Johnson, L.	Morehead	Scofield
Baack	Dierks	Johnson, R.	Nelson	Wehrbein
Barrett	Elmer	Johnson, V.	Peterson	Weihing
Campbell	Goodrich	Korshoj	Pirsch	Wesely
Chambers	Haberman	Landis	Remmers	

Excused and not voting, 1:

Smith

LR 436 lost with 19 ayes, 29 nays, and 1 excused and not voting.

MOTION - Advise Governor

Mrs. Johanns moved that a committee of five be appointed to advise the Governor that the Ninetieth Legislature, Second Session, of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Mesdames Johanns, Pirsch, Ms. Scofield, Messrs. Beyer, and Chizek to serve on said Committee.

The Committee returned and escorted Governor Kay Orr to the rostrum where she delivered a message to the members.

The Committee escorted the Governor from the Chamber.

MOTION - Disposition of Bills

Mr. Korshoj moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed. Further, that the Chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Journal, Session Laws, and Indexes

Mrs. Higgins moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

VISITORS

Visitors to the Chamber were Larry, Judy, and Deonne Neemack; 43 students and teachers from Cathedral of the Risen Christ School, Lincoln; 30 fifth grade students, teacher, and sponsor from Albion Public School; 9 fourth grade students and teacher from Sacred Heart

School, Falls City; 11 members of Future Farmers of America (F.F.A.) from Ord; Mike Nolan from Norfolk; 18 third and fourth grade students and teachers from District 53, Ayr; and Senator Peterson's son, Dick Peterson from Chicago, Illinois.

MOTION - Adjourn Sine Die

Mrs. Marsh moved that the Journal for the Sixtieth Day, as prepared by the Clerk, be approved and that the Ninetieth Legislature, Second Session of the Legislature, having finished all business before it, now at 10:08 p.m. adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
SECOND SESSION

CORRECTIONS FOR THE JOURNAL

Page 2151, line 25, strike "337" and insert "377".
The Journal for the Fifty-Ninth Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

April 11, 1988

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

Dear Mr. President and Senators:

Today I signed LB 632, which permits the State to issue up to $50 million in bonds for highway construction and rehabilitation. The bill also allows bonding to be used to alleviate cash flow problems resulting from delays in the receipt of federal funds.

At the present time, the need to use this mechanism is not apparent. Any activation of the bonding provisions of LB 632 will be considered very carefully should current conditions change. However, in the foreseeable future, I do not intend to implement the bonding opportunities allowed by this legislation.

My continued pledge is to make the most effective use of our resources in maintaining our state highway system. LB 632 offers another tool in that process while placing additional responsibility on both the Governor and the Legislature to use it judiciously.

Sincerely,
(Signed) KAY A. ORR
Governor

April 12, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1073, 1073A, 1092, 1106, 1174, 1232 and 1234 were received in my office on April 8, 1988.

These bills were signed by me on April 12, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 12, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1170, 130, 295, 369, 700, 716, 866, 884, 953, 978, 998, 1004, 1039 and 1039A were received in my office on April 8, 1988.

These bills were signed by me on April 11, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

MESSAGES FROM THE SECRETARY OF STATE

April 12, 1988

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that I have received this day, April 12, 1988, L.B. 1117A, along with your cover letter of April 12, 1988 and the copy of the Governor's letter dated April 6, indicating she had signed the bill but had made a line-item reduction.

Your letter indicates that the Legislature has refused to consider a motion to override the Governor's line-item veto; therefore the signed bill with the reduction will be filed in this office as provided by law in the amounts indicated by the Governor's line-item reduction.

L.B. 1117A, along with the Governor's letter of April 6 and your cover letter of April 12 will be placed on file and become a matter of public record.

I respectfully request that a copy of this letter be placed in the legislative journal for the sixtieth day of the ninetieth legislature, second session.

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

April 11, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal for the sixtieth day, the fact that Legislative Bill 1143, without the Governor's signature and with her objections thereto, was filed in the office of Secretary of State on April 11, 1988. A copy of the Governor's letter dated April 8, 1988 was attached to Legislative Bill 1143 and likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 8, 1988 and a certificate signed by the Honorable Bill Barrett as President of the Legislature, the contents of which are as follows:

Legislative Bill 1143 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this eighth day of April, 1988.

Finally, I hereby acknowledge that all of these documents, including the Governor's letter of objection, have been filed in this office as a matter of record.

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 1143 was passed by the Ninetieth Legislature at its second session on the seventh day of April, 1988.

Further I hereby certify that Legislative Bill 1143, without the Governor's signature and with her objections was filed in the office of Secretary of State on April 11, 1988.

In addition, I hereby certify that I received a cover letter dated April 8, 1988 and a certificate, filed by the Honorable Bill Barrett as President of the Legislature, the contents of which are as follows:

Legislative Bill 1143 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this eighth day of April, 1988.

Finally, I hereby certify that Legislative Bill 1143 is on file in the office of Secretary of State as a matter of record.

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

Done at Lincoln this eleventh day of April in the year of our Lord, one thousand nine hundred and eighty-eight.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 11, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal for the sixtieth day, the fact that Legislative Bills 557 and 557A, without the Governor's signature and with her objections thereto, were filed in the office of Secretary of State on April 11, 1988. A copy of the Governor's letter dated April 6, 1988 was attached to Legislative Bills 557 and 557A and likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 8, 1988 and a certificate signed by the Honorable Bill Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bills 557 and 557A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this eighth day of April, 1988.

Finally, I hereby acknowledge that all of these documents, including the Governor's letter of objection, have been filed in this office as a matter of record.

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 Bills 557 and 557A were passed by the Ninetieth Legislature at its second session on the thirty-first day of March, 1988.

Further, I hereby certify that Legislative Bills 557 and 557A, without the Governor's signature and with her objections were filed in the office of Secretary of State on April 11, 1988.

In addition, I hereby certify that I received a cover letter dated April 8, 1988 and a certificate filed by the Honorable Bill Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bills 557 and 557A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this eighth day of April, 1988.

Finally, I hereby certify that Legislative Bills 557 and 557A are on file in the office of Secretary of State as a matter of record.

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

Done at Lincoln this eleventh day of April in the year of our Lord, one thousand nine hundred and eighty-eight.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 11, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal for the sixtieth day, the fact that Legislative Bills 350 and 350A, without the Governor's signature and with her objections thereto, were filed in the office of Secretary of State on April 11, 1988. A copy of the Governor's letter dated April 6, 1988 was attached to Legislative bills 350 and 350A and likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 8, 1988 and a certificate signed by the Honorable Bill

Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bills 350 and 350A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this eighth day of April, 1988.

Finally, I hereby acknowledge that all of these documents, including the Governor's letter of objection, have been filed in this office as a matter of record.

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 bills 350 and 350A were passed by the Ninetieth Legislature at its second session on the thirty-first day of March, 1988.

Further, I hereby certify that Legislative Bills 350 and 350A, without the Governor's signature and with her objections were filed in the office of Secretary of State on April 11, 1988.

In addition, I hereby certify that I received a cover letter dated April 8, 1988 and a certificate, filed by the Honorable Bill Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bills 350 and 350A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this eighth day of April, 1988.

Finally, I hereby certify that Legislative Bills 350 and 350A are on file in the office of Secretary of State as a matter of record.

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

Done at Lincoln this eleventh day of April in the year of our Lord, one thousand nine hundred and eighty-eight.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 11, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal for the sixtieth day, the fact that Legislative bills 868 and 868A, without the Governor's signature and with her objections thereto, were filed in the office of Secretary of State on April 11, 1988. A copy of the Governor's letter dated April 6, 1988 was attached to Legislative Bills 868 and 868A and likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 8, 1988 and a certificate signed by the Honorable Bill Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bills 868 and 868A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this eighth day of April, 1988.

Finally, I hereby acknowledge that all of these documents, including the Governor's letter of objection, have been filed in this office as a matter of record.

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 bills 868 and 868A were passed by the Ninetieth Legislature at its second session on the thirty-first day of March, 1988.

Further, I hereby certify that Legislative Bills 868 and 868A, without the Governor's signature and with her objections was filed in the office of Secretary of State on April 11, 1988.

In addition, I hereby certify that I received a cover letter dated April 8, 1988 and a certificate filed by the Honorable Bill Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bills 868 and 868A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this eighth day of April, 1988.

Finally, I hereby certify that Legislative Bills 868 and 868A are on file in the office of Secretary of State as a matter of record.

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

Done at Lincoln this eleventh day of April in the year of our Lord, one thousand nine hundred and eighty-eight.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 11, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal for the sixtieth day, the fact that L.B. 942 without the Governor's signature and with her objections was filed in the office of Secretary of State on April 11, 1988. A copy of the Governor's veto message

dated April 8, 1988 was attached to L.B. 942 and likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 8 and a certificate signed by the Honorable Bill Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bill 942 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this eighth day of April, 1988.

Finally, I hereby acknowledge that all of these documents, including the Governor's letter of objection, have been filed in this office as a matter of public record.

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 942 was passed by the Ninetieth Legislature at its second session on the sixth day of April, 1988.

Further, I hereby certify that L.B. 942, without the Governor's signature and with her objections was filed in the office of Secretary of State on April 11, 1988.

In addition, I hereby certify that I received a cover letter dated April 8, 1988 and a certificate filed by the Honorable Bill Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bill 942 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this eighth day of April, 1988.

Finally, I hereby certify that Legislative Bill 942 is on file in the office of Secretary of State as 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 eleventh day of April in the year of our Lord, one thousand nine hundred and eighty-eight.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 11, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal for the sixtieth day, the fact that L.B. 1041 with the Governor's signature and with certain line-item vetoes was filed in the Secretary of State's office at 6:59 p.m. on Friday, April 8.

In addition, I hereby acknowledge receipt of your cover letter dated April 8, 1988 and a certificate signed by the Honorable Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1041 having been returned by the Governor with her signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden all said line-item vetoes.

Finally, I hereby acknowledge that all of these documents, along with a copy of the Governor's letter on the line-item reductions have been filed in this office as a matter of public record.

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 L.B. 1041, with the Governor's signature and with

certain line-item reductions thereon was filed in the office of the Secretary of State on April 8, 1988.

In addition, I hereby certify that I received a cover letter dated April 8 from the Clerk of the Legislature and certificate signed by Bill Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bill 1041 having been returned by the Governor with her signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden all said line-item vetoes.

Finally, I hereby certify that all of these documents have been filed in this office as 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 eleventh day of April in the year of our Lord, one thousand nine hundred and eighty-eight.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 11, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal for the sixtieth day, the fact that L.B. 863 and L.B. 863A without the Governor's signature and with her objections thereto, were filed in the office of Secretary of State on April 11, 1988. A copy of the Governor's veto message dated April 6 was attached to L.B. 863 and L.B. 863A and likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 8 and a certificate signed by the Honorable Bill Barrett as President of the Legislature, the contents of which are as follows:

Legislative Bills 863 and 863A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this eighth day of April, 1988.

Finally, I hereby acknowledge that all of these documents, including the Governor's letter of objection, have been filed in this office as a matter of public record.

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 Bills 863 and 863A were passed by the Ninetieth Legislature at its second session on the thirty-first day of March, 1988.

Further, I hereby certify that L.B.'s 863 and 863A, without the Governor's signature and with her objections was filed in the office of Secretary of State on April 11, 1988.

In addition, I hereby certify that I received a cover letter dated April 8, 1988 and a certificate filed by the Honorable Bill Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bills 863 and 863A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this eighth day of April, 1988.

Finally, I hereby certify that Legislative Bills 863 and 863A are on file in the office of Secretary of State as 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 eleventh day of April in the year of our Lord, one thousand nine hundred and eighty-eight.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 11, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal for the sixtieth day, the fact that L.B. 846 without the Governor's signature and with her objections thereto was filed in the office of Secretary of State on April 11, 1988. A copy of the Governor's letter dated April 6, 1988 was attached to L.B. 846 and likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 8, 1988 and a certificate signed by the Honorable Bill Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bill 846 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this eighth day of April, 1988.

Finally, I hereby acknowledge that all of these documents, including the Governor's letter of objection, have been filed in this office as a matter of record.

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 846 was passed by the Ninetieth Legislature at its second session on the thirty-first day of March, 1988.

Further, I hereby certify that L.B. 846, without the Governor's signature and with her objections was filed in the office of Secretary of State on April 11, 1988.

In addition, I hereby certify that I received a cover letter dated April 8, 1988 and a certificate filed by the Honorable Bill Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bill 846 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this eighth day of April, 1988.

Finally, I hereby certify that Legislative Bill 846 is on file in the office of Secretary of State as 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 eleventh day of April in the year of our Lord, one thousand nine hundred and eighty-eight.

(SEAL) Allen J. Beermann, Secretary of State

REPORT

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of March 1988 from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

MESSAGES FROM THE GOVERNOR

April 12, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1042 was received in my office on April 8, 1988.

This bill was signed by me on April 12, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 13, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill LB 1030 was received in my office on April 7, 1988.

This bill was signed by me on April 13, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 13, 1988

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills LB 1091, 518, 518A were received in my office on April 8, 1988.

These bills were signed by me on April 13, 1988, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 13, 1988

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

Dear Mr. President and Senators:

I am returning LB 1178 without my signature and with my objections.

The principles governing civil liability in Nebraska are of significant importance to all Nebraskans. The complexity and ramifications of these principles have serious consequences and should not be underestimated.

I have not been persuaded of a need for change. A plaintiff is not barred from recovery under our present rule unless the plaintiff's contributory negligence reaches a certain degree. Under existing law, this decision is up to the jury. I have not been convinced that juries have reached unfair results.

Sincerely,
(Signed) KAY A. ORR
Governor

April 13, 1988

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

Dear Mr. President and Senators:

I am returning LB 295A without my signature and with my objections.

LB 295A creates the State Protocol Office and establishes the Protocol Advisory Board. These services could be provided more effectively and efficiently administratively, rather than through the creation of a new separate bureaucracy. I will be working with the Legislature to facilitate such an arrangement.

Sincerely,
(Signed) KAY A. ORR

Governor

April 13, 1988

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

Dear Mr. President and Senators:

I am returning LB 1008 and LB 1008A without my signature and with my objections.

Safety can not be compromised by providing such a significant deviation from accepted vision standards. The provisions of LB 1008 lower the minimum vision standards to 20/100 for drivers using bioptic devices. The American Medical Association, the United States Department of Transportation, and the American Association of Motor Vehicle Administrators all recommend that persons whose visual acuity is 20/80 or worse should be denied a drivers license of any type. For safety reasons, I can not allow this bill to become law.

In my judgment, statutory and administrative procedures are currently available to address vision requirements for a motor vehicle operator's license.

Sincerely,
(Signed) KAY A. ORR
Governor

April 13, 1988

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

Dear Mr. President and Senators:

I am returning LB 1226 without my signature and with my objections.

LB 1226 would provide for the payment of stipends to UNL football players upon the adoption by four Big Eight states of laws treating their football players as employees. Now that the Legislature has registered its strong concern over the plight of student athletes

and the inflexibility and complexity of the NCAA regulations, it is important that the University express itself clearly on this issue.

The Board of Regents is the appropriate forum for dealing with the NCAA. Therefore, I strongly urge the Regents to address this issue and communicate their position to that body. I welcome the needed clarification of the University's position on LB 1226 and on the reasonableness of NCAA rules.

Further, an expression to the NCAA through the enactment of a statute is inappropriate.

Sincerely,
(Signed) KAY A. ORR
Governor

April 13, 1988

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

Dear Mr. President and Senators:

I am returning LB 1091A with my signature, but with line-item reductions.

LB 1091A appropriates State aid to political subdivisions as a one-time replacement for property tax revenues that may be lost due to the railroad and carline lawsuits. My line-item reductions reduce the total available for this purpose from $11,200,000 to $7,700,000 for Fiscal Year 1988-89.

With the concurrence of the sponsors, it is my feeling that $7,700,000 is a prudent amount for this purpose, but everyone should recognize this is one-time money. Members are urged to work for a permanent solution to the fiscal stability of our political subdivisions.

Sincerely,
(Signed) KAY A. ORR
Governor

April 13, 1988

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

Lincoln, NE 68509

Dear Mr. President and Senators:

I am returning LB 716A without my signature and with my objections.

The original provisions of LB 716A were removed in the last days of the Legislative session. New provisions relating to open heart surgery and Certificate of Need review were placed in the bill. The Attorney General states that such procedure violates the Nebraska Constitution. A copy of his letter is attached.

Sincerely,
(Signed) KAY A. ORR
Governor

Enclosure

ATTORNEY GENERAL'S OPINION

DATE: April 13, 1988

SUBJECT: LB 716A

REQUESTED BY: Honorable Kay A. Orr
Governor
P.O. Box 94848
Lincoln, NE 68509-4848

WRITTEN BY: Robert M. Spire, Attorney General

Dear Governor Orr:

You seek our assistance and guidance regarding LB 716A and the manner and method by which it was presented to you.

LB 716A was first read on May 19, 1987, on the eighty-fourth day of the First Session of the Ninetieth Legislature. It was an appropriation bill to fund the provisions of Legislative Bill 716 of the Ninetieth Legislature, First Session. LB 716A was carried over by the same title on January 6, 1988, which was the first day of the Second Session of the Ninetieth Legislature. LB 716A was amended on April 6, 1988, which was the fifty-eighth day of the Second Session of the Ninetieth Legislature.

Thereafter, LB 716A was correctly engrossed on April 6, 1988, on the fifty-eighth day changing LB 716A from an appropriation bill to

an act relating to health care; to amend §§71-5828 and 71-5830, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certificates of need; to harmonize provisions; and to repeal the original sections. On April 8, 1988, the sixtieth day of the Ninetieth Legislature, Second Session, LB 716A was signed by the Speaker and presented to you for consideration.

We have done extensive study and legal research in response to your inquiry. Based on this study and research we have concluded:

(1) On April 6, 1988, Legislative Bill 716A ceased to be an appropriation bill to carry out the provisions of LB 716. Instead, it became a completely new bill when it was amended by substantive language new and different from the previous appropriation bill. It was then correctly engrossed so that the title clearly expressed the subject matter of the bill.

(2) Article III, Section 14 of the Constitution of the State of Nebraska requires that (a) every bill and resolution shall be read by title when introduced, (b) a printed copy thereof provided for the use of each member, and (c) 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.

We believe that LB 716A was correctly engrossed and amended on April 6, 1988, the fifty-eighth day of the Ninetieth Legislature, Second Session. LB 716A in its current form has not been before the Legislature for five legislative days and therefore is violative of Article III, Section 14.

Sincerely,
ROBERT M. SPIRE
Attorney General

2-13-2

MESSAGE FROM THE GOVERNOR

April 13, 1988

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

Dear Mr. President and Senators:

I am returning LB 1160 with my signature but with certain line-item reductions. LB 1160 contains various budget adjustments to existing programs as well as new funding for renovation of Capitol space.

My reductions in LB 1160 include the $1,000,000 additional funding for the Deferred Building Renewal Act, $2,000,000 of additions to the Nebraska Soil and Water Conservation Fund and $500,000 earmarked for the initiation of renovation in the State Capitol building. By making these reductions we will save state taxpayers $3.5 million without seriously curtailing any state programs.

The Deferred Building Renewal Act, or 309 Task Force as it is commonly known, already has $2.0 million appropriated for the next year which is a sustainable level and approximates the level of appropriation for every year since the creation of the program. Additional funding is not required to keep this excellent program in operation. The current level of funding is adequate to maintain the program and meet the needs of the program next fiscal year.

The Nebraska Soil and Water Conservation program will receive an additional $1.6 million of new funding through Section 1 of this bill which I have approved. This $1.6 million together with $1.9 million already appropriated will provide total funds of $3.5 million for the program. The need for soil and water conservation is great, but the state should not shoulder the full burden of increased funding. A cooperative effort by federal, state, and local governments, together with private landowners, will be required. The 84% increase in state funds represents a good-faith effort on the part of state government. Now, we must work to make sure that available funds are used effectively.

Finally, I have reduced the appropriation for renovation of Capitol space by $500,000 while leaving $3.5 million of funding in this bill in addition to the $220,000 of new funding contained in LB 1041. The $500,000 reduced from next year's appropriation will leave the project with $665,000 of funding for FY 89 and $3,055,000 for FY 90. At this time total project costs are only an estimate and this level of funding appears to be sufficient. In any case, $665,000 should be more than adequate in FY 89 as no actual renovation will begin until FY 90.

Again, let me state my position that a savings of $3.5 million is not as much a reduction in these worthy programs as it is a savings to our taxpayers.

Sincerely,
(Signed) KAY A. ORR
Governor

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 Ninetieth Legislature, Second Session, and other correspondence.

Patrick J. O'Donnell
Clerk of the Legislature

April 14, 1988
Lincoln, Nebraska

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LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE

SECOND SESSION 1988

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-88

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SECOND SESSION
1988

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Feb.	19	29	Langford priority bill	916
Mar.	3	38	Placed on General File - Com am #2066	1169
Mar.	18	47	Committee amendment #2066 adopted. Advanced for Review	1515
Mar.	22	49	Placed on Select File - AM5411	1603
Mar.	22	49	Warner amendment #2640 to committee amendment printed	1626
Mar.	24	51	AM5411 (E & R) adopted. Lamb amendment to amendment #2640 withdrawn. V. Johnson request ruling if amendment #2640 germane. Wesely motion to suspend rules prevailed. Morehead amendment to amendment #2640 pending	1717
Mar.	25	52	Morehead pending amendment p. 1718 withdrawn	1750
Mar.	25	52	Lamb amendment lost. Warner pending amendment #2640 p. 1626 adopted. Advanced for Engrossment	1751
Mar.	25	52	Correctly Engrossed. ER0290 change	1783
Mar.	31	56	Final Reading w/E 39-4-6	1966
Mar.	31	56	Speaker signed	1973
Mar.	31	56	Presented to Governor (3/31)	1979
Apr.	7	59	Approved by Governor (4/6)	2173

LEGISLATIVE BILL 52. By Haberman

Jan.	6	1	Title	3
Jan.	19	8	Committee amendment #0543 p. 1094, First Session, adopted. Marsh motion to indefinitely postpone laid over	364
Jan.	20	9	Marsh pending motion p. 364 lost. Warner amendment adopted. Advanced for Review	398

Jan. 22 11 Placed on Select File - AM5288 448
Jan. 27 14 AM5288 (E & R) adopted.
Failed to advance for Engrossment 524
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 57. By Haberman

Jan. 6 1 Title 3
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 58. By Haberman

Jan. 6 1 Title 3
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 68. By Morehead

Jan. 6 1 Title 3
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 76. By Remmers

Jan. 6 1 Title 3
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 86. By Pappas, Withem

Jan. 6 1 Title 4
Jan. 28 15 Indefinitely postponed 547

LEGISLATIVE BILL 88. By Landis, Morehead, Marsh

Jan. 6 1 Title 4
Jan. 27 14 Landis-Morehead amendment printed 536
Feb. 8 22 Landis-Morehead pending amendment p. 536
adopted. McFarland motion to
indefinitely postpone pending 735
Feb. 9 23 McFarland pending motion p. 735 lost.
Chambers motion to bracket until
2/11 lost 743
Feb. 9 23 Smith amendment pending. McFarland
motion to recommit to Judiciary
Committee pending 757
Feb. 9 23 McFarland pending motion p. 757 lost 765
Feb. 16 26 Smith amendment p. 757 adopted as

amended by Hall amendment. Hall amendment withdrawn. Ashford amendment adopted. Hall amendment sustained division of question. Ashford amendment to Hall amendment (1) adopted. Lamb motion to bracket lost. Landis request to sustain division of question withdrawn. Hall pending amendment adopted as amended . 830
Feb. 16 26 McFarland motion to indefinitely postpone withdrawn. Advanced for Review 837
Feb. 17 27 Placed on Select File - AM5336 871
Feb. 19 29 McFarland amendments #1953 (1) and #1883 (2) printed 906
Feb. 19 29 Labedz amendment #1858 printed 921
Feb. 19 29 Hall amendments #1951 (1) and #1884 (2) printed 923
Feb. 19 29 Hall amendment #1968 (3) printed 924
Feb. 24 32 Hall amendment #2192 printed 995
Mar. 3 38 AM5336 (E & R) adopted. Wesely motion to indefinitely postpone laid over 1176
Mar. 7 39 Wesely pending motion p. 1176 withdrawn. McFarland request to substitute pending amendment prevailed. McFarland pending amendment #1953 p. 906 withdrawn. McFarland substitute amendment #2364 adopted. McFarland pending amendment #1883 p. 906 lost. Labedz pending amendment #1858 p. 921 and Hall pending amendment #1951 p. 923 adopted. Hall pending amendment #1884 p. 923 withdrawn. Hall request to substitute pending amendment prevailed. Hall pending amendment #1968 p. 924 withdrawn. Hall substitute amendment #2203 pending 1221
Mar. 7 39 Hall pending substitute amendment #2203 p. 1222 lost. Hall pending amendment #2192 p. 995 and McFarland amendment #2414 adopted. Advanced for Engrossment 1229
Mar. 10 41 Correctly Engrossed 1286
Mar. 10 41 ER0273 change 1287
Mar. 25 52 Ashford-McFarland amendment #2497 printed .. 1766
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Passed over 2152
Apr. 7 59 Ashford-McFarland pending amendment

#2497 p. 1766 withdrawn 2206
Apr. 7 59 Failed on Final Reading 23-23-3 2207

LEGISLATIVE BILL 90. By Scofield, Withem, Conway, McFarland, Smith, Rupp, Hartnett, Harris, Baack, Pappas, Barrett, Higgins, Morehead, Pirsch

Jan. 6 1 Title 4
Jan. 8 3 Hall amendment #1592 printed 226
Jan. 14 7 Hall amendment #1602 (1) to committee amendment printed 333
Jan. 14 7 Hall amendments #1603 (2), #1605 (3), and #1604 (4) to committee amendment printed 334
Jan. 25 12 Hall pending amendments #1602 (1), #1603 (2), #1605 (3), and #1604 (4) pages 333-334 withdrawn. Hall amendment #1650 to committee amendment lost 484
Jan. 25 12 Hall pending amendment #1592 p. 226 withdrawn. Hall amendment pending. Bracketed until 1/28 490
Jan. 28 15 Hall amendments #1783 and #1784 printed 553
Jan. 29 16 Hall pending amendment p. 490 and pending amendment #1783 p. 553 withdrawn. McFarland motion to return to Judiciary Committee pending 589
Jan. 29 16 McFarland pending motion p. 589 lost. Hall pending amendment #1784 p. 553 lost 590
Jan. 29 16 McFarland amendment #1783 lost 593
Jan. 29 16 Committee amendment #0159 p. 1239, First Session, adopted. Chambers motion to reconsider committee amendment vote pending 594
Mar. 3 38 Scofield amendment #1807 printed 1166
Mar. 7 39 Chambers pending motion p. 595 withdrawn. Hall amendment and Scofield pending amendment #1807 p. 1166 withdrawn. Scofield and Hall amendments adopted. Hall amendment lost. Scofield motion to suspend rules prevailed. Advanced for Review 1202
Mar. 7 39 Hall amendment #1800 printed 1212
Mar. 7 39 Hall amendment printed 1215
Mar. 8 40 Placed on Select File - AM5391 1270

Mar.	14	43	Hall amendments #2559 (1), #2558 (2), #2562 (3), #2554 (4), and #2555 (5) printed	1386
Mar.	14	43	Hall amendments #2556 (6), #2560 (7), #2557 (8), and #2561 (9) printed	1387
Mar.	30	55	AM5391 (E & R) adopted. Hall pending amendment #1800 p. 1212 withdrawn. Hall pending amendment p. 1215 lost. Hall pending amendments #2559 (1), #2558 (2), #2562 (3), #2554 (4), #2556 (6), #2560 (7), #2557 (8) and #2561 (9) pages 1386-1387 withdrawn. Hall amendment #2555 (5) p. 1386 adopted. Lynch amendment lost. Advanced for Engrossment	1915
Apr.	5	57	Correctly Engrossed	1999
Apr.	5	57	Abboud name added	2055
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Final Reading 41-0-8	2160
Apr.	7	59	Speaker signed	2168
Apr.	7	59	Presented to Governor (4/7)	2169
Apr.	8	60	Approved by Governor (4/7)	2243

LEGISLATIVE BILL 95. By Marsh

Jan.	6	1	Title	4
Jan.	26	13	Wesely amendment #1750 printed	507
Jan.	28	15	Wesely pending amendment #1750 p. 507 adopted. Failed to advance for Review	540
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 103. By Dierks, Rogers, Schmit

Jan.	6	1	Title	4
Jan.	19	8	Placed on General File - Com am #1665	354
Jan.	22	11	Dierks priority bill	450
Feb.	17	27	Committee amendment #1665 adopted. Failed to advance for Review	846
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 103A. By Dierks, Rogers

Feb.	8	22	Read first time. Placed on General File	733
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 111. By Withem

Jan.	6	1	Title	5
Jan.	12	5	Hefner pending amendment #0706 p. 1354, First Session, adopted. Advanced for Review	272
Jan.	19	8	Placed on Select File - AM5256	343
Jan.	20	9	AM5256 (E & R) adopted. Advanced for Engrossment	389
Jan.	25	12	Correctly Engrossed	490
Jan.	29	16	Final Reading 44-0-5	565
Jan.	29	16	President signed	589
Feb.	1	17	Presented to Governor (1/29)	597
Feb.	3	19	Approved by Governor (2/3)	664

LEGISLATIVE BILL 113. By Landis, Wesely, Marsh, Harris, McFarland, Warner

Jan.	6	1	Title	5
Apr.	8	1	Indefinitely postponed	2283

LEGISLATIVE BILL 117. By Pirsch

Jan.	6	1	Title	5
Jan.	11	4	Committee amendment #0250 p. 707, First Session, adopted. Chambers motion to indefinitely postpone lost. Advanced for Review	260
Jan.	19	8	Placed on Select File - AM5249	343
Jan.	20	9	AM5249 (E & R) adopted. Johanns amendment #1691 adopted as amended by Johanns amendment. Johanns amendment #1692 adopted. Advanced for Engrossment	387
Jan.	25	12	Correctly Engrossed. ER0229 change	490
Jan.	29	16	Returned to Select File for Pirsch amendment. Pirsch amendment #1738 adopted. Advanced for Re-Engrossment	566
Feb.	1	17	Correctly Re-Engrossed	598
Feb.	8	22	Final Reading 35-1-13	723
Feb.	8	22	Speaker signed	729
Feb.	8	22	Presented to Governor (2/8)	730
Feb.	8	22	Hefner explanation of vote	735
Feb.	11	25	Approved by Governor (2/10)	798

LEGISLATIVE BILL 118. By Pirsch, Landis

Jan. 6 1 Title 5
Feb. 25 33 Indefinitely postponed 1021

LEGISLATIVE BILL 120. By Pirsch

Jan. 6 1 Title 6
Feb. 25 33 Indefinitely postponed 1021

LEGISLATIVE BILL 121. By Pirsch

Jan. 6 1 Title 6
Jan. 7 2 Ashford name added 177
Feb. 24 32 Placed on General File - Com am #2081 981
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 122. By Pirsch

Jan. 6 1 Title 6
Feb. 5 21 Chambers amendment printed 715
Feb. 10 24 V. Johnson amendment #1943 printed 776
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 123. By Pirsch, Hannibal, Ashford, Haberman

Jan. 6 1 Title 6
Jan. 13 6 McFarland motion to recommit to Judiciary Committee lost. Chambers pending amendments (2) p. 1216 and (4) p. 1217, First Session, adopted. Chambers pending amendments (1), (3), p. 1216, (5), (6), (7), (8), p. 1217, (9), and (10) p. 1218, First Session, withdrawn. Advanced for Engrossment 300
Jan. 19 8 Correctly Engrossed. ER0221 change 345
Jan. 25 12 Ashford amendment printed 498
Jan. 26 13 Ashford pending amendment p. 498 withdrawn ... 508
Jan. 26 13 Final Reading 33-5-11 509
Jan. 26 13 President signed (see page 518) 517
Jan. 27 14 Correction for President signed 518
Jan. 27 14 Presented to Governor (1/26) 520
Feb. 1 17 Approved by Governor (1/29) 598

LEGISLATIVE BILL 124. By R. Johnson, Rogers, Hefner, Scofield, Baack, Elmer, Abboud

Jan. 6 1 Title 6
Feb. 25 33 R. Johnson pending amendment #1030
p. 1784, First Session, adopted.
Schmit motion to indefinitely
postpone laid over 1028
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 126. By Wesely

Jan. 6 1 Title 6
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 128. By Miller

Jan. 6 1 Title 6
Jan. 21 10 Miller amendment #1679 adopted 416
Jan. 21 10 Lamb motion to indefinitely postpone
lost. Advanced for Review 425
Jan. 22 11 Placed on Select File - AM5291 472
Mar. 3 38 Attorney General's Opinion #88014 to
Withem and Abboud 1172
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 130. By Warner

Jan. 6 1 Title 7
Feb. 19 29 Appropriation Committee priority bill 907
Apr. 6 58 V. Johnson pending amendment #1478
p. 2479, First Session, withdrawn.
V. Johnson amendment #2976 lost.
Advanced for Engrossment 2096
Apr. 6 58 Correctly Engrossed. ER0328 change 2127
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading w/E 33-8-8 2215
Apr. 8 60 President signed 2220
Apr. 8 60 Presented to Governor (4/8) 2234
Apr. 14 AJ Approved by Governor (4/11) 2286

LEGISLATIVE BILL 144. By Abboud

Jan. 6 1 Title 7
Feb. 23 31 Indefinitely postponed 938

LEGISLATIVE BILL 151. By Schmit, Pappas, Labedz

Jan. 6 1 Title 7
Feb. 10 24 Indefinitely postponed 769

LEGISLATIVE BILL 155. By Pappas

Jan. 6 1 Title 7
Jan. 7 2 Elmer name added 177
Mar. 1 36 Placed on General File - Com am #1780 1111
(printed separate)
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 158. By McFarland

Jan. 6 1 Title 7
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 158A. By McFarland

Jan. 6 1 Title 8
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 160. By Pappas

Jan. 6 1 Title 8
Jan. 7 2 Hartnett name added 177
Feb. 3 19 Placed on General File - Com am #1839 655
Feb. 11 25 Hartnett amendment #1991 to committee amendment printed 808
Feb. 17 27 Hartnett priority bill 845
Mar. 1 36 Committee amendment #1839 adopted as amended by Hartnett pending amendment #1991 p. 808. V. Johnson-Wesely motion to indefinitely postpone lost. Advanced for Review 1096
Mar. 1 36 Haberman name added 1099
Mar. 2 37 Placed on Select File - AM5353 1132
Mar. 7 39 Wesely-Morehead amendment #2413 to committee amendment printed 1237
Mar. 14 43 AM5353 (E & R) adopted. Wesely-Morehead pending amendment #2413 p. 1237 withdrawn. Hall amendment lost. Advanced for Engrossment 1383
Mar. 17 46 Correctly Engrossed. ER0284 change 1480
Mar. 25 52 V. Johnson motion to return to Select

File lost 1746
Mar. 25 52 Final Reading w/E 40-8-1 1747
Mar. 25 52 President signed 1750
Mar. 25 52 Presented to Governor (3/25) 1764
Apr. 5 57 Approved by Governor (3/31) 2009

LEGISLATIVE BILL 162. By Abboud, Ashford

Jan. 6 1 Title 8
Jan. 29 16 Abboud amendment #1798 printed 572
Feb. 11 25 Abboud pending amendment #1798 p. 572 withdrawn. Abboud amendment #1797 adopted. Bernard-Stevens amendment #1918 pending 817
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 165. By Baack

Jan. 6 1 Title 8
Feb. 3 19 Placed on General File 659
Mar. 1 36 Advanced for Review 1108
Mar. 7 39 Placed on Select File - AM5370 1193
Mar. 8 40 AM5370 (E & R) adopted. Advanced for Engrossment 1264
Mar. 10 41 Correctly Engrossed 1286
Mar. 16 45 Final Reading 43-0-6 1452
Mar. 16 45 Speaker signed 1455
Mar. 16 45 Presented to Governor (3/16) 1458
Mar. 17 46 Approved by Governor (3/17) 1502

LEGISLATIVE BILL 170. By Wesely, Barrett, McFarland, Marsh, Lynch

Jan. 6 1 Title 8
Jan. 13 6 Committee amendment #0412 p. 897, First Session, adopted. Abboud amendment lost. Advanced for Review 317
Jan. 14 7 Haberman amendment #0628 printed 325
Jan. 14 7 Pirsch name added 335
Jan. 20 9 Placed on Select File - AM5271 375
Jan. 26 13 Wesely amendment #1760 printed 516
Jan. 27 14 AM5271 (E & R) adopted. Wesely pending amendment #1760 p. 516 withdrawn. Wesely-Chambers-Abboud amendment #1770 adopted. Advanced for Engrossment 523

Jan. 27 14 Chambers name added 528
Jan. 28 15 Correctly Engrossed 538
Jan. 28 15 ER0234 change 539
Jan. 28 15 Abboud name added 558
Feb. 5 21 Haberman pending amendment #0628 p. 325 withdrawn. Final Reading w/E 42-0-7 707
Feb. 5 21 President signed 712
Feb. 8 22 Presented to Governor (2/5) 722
Feb. 11 25 Approved by Governor (2/10) 799

LEGISLATIVE BILL 180. By Wesely

Jan. 6 1 Title 8
Jan. 11 4 Committee amendment #0565 p. 1051 adopted as amended by Wesely pending amendment #0779 p. 1428, First Session. Rogers amendment adopted 233
Jan. 11 4 Advanced for Review 250
Jan. 12 5 Placed on Select File - AM5244 284
Jan. 19 8 Wesely amendment #1648 printed 351
Jan. 20 9 AM5244 (E & R) adopted. Smith amendment #1649 lost. Wesely pending amendment #1648 p. 351, Schmit amendment #1694 and Wesely amendment adopted. Advanced for Engrossment 379
Jan. 25 12 Correctly Engrossed 490
Jan. 25 12 ER0222 change 491
Feb. 1 17 Attorney General's Opinion #88005 to Wesely 617
Feb. 1 17 Wesely amendment #1793 printed 627
Feb. 5 21 Wesely pending amendment #1793 p. 627 withdrawn. Returned to Select File for Schmit amendment. Schmit amendment adopted. Advanced for Re-Engrossment. Schmit motion to return to Select File for amendment #1730 lost 698
Feb. 9 23 Correctly Re-Engrossed 737
Feb. 9 23 ER00239 change 738
Feb. 18 28 Final Reading 30-13-6 883
Feb. 18 28 President signed 887
Feb. 18 28 Presented to Governor (2/18) 895
Feb. 25 33 Approved by Governor (2/24) 1026

LEGISLATIVE BILL 181. By Schmit, Moore

Jan. 6 1 Title 9

Jan. 14 7 Committee amendment #0383 p. 897, First Session, lost. Advanced for Review 323
Jan. 20 9 Placed on Select File - AM5272 375
Jan. 22 11 Bracketed until 3/1/88 455
Mar. 2 37 Chambers amendment printed 1124
Mar. 17 46 Unbracketed by Schmit 1479
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 184. By Warner

Jan. 6 1 Title 9
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 188. By Scofield

Jan. 6 1 Title 9
Feb. 23 31 Indefinitely postponed 938

LEGISLATIVE BILL 190. By Scofield

Jan. 6 1 Title 9
Jan. 25 12 Scofield amendment #1566 printed 499
Jan. 28 15 Scofield amendment #1786 printed 552
Feb. 4 20 Committee amendment #0584 p. 1378, First Session, lost. Scofield pending amendment #1566 p. 499 adopted as amended by Scofield pending amendment #1786 p. 552. Advanced for Review 680
Feb. 9 23 Placed on Select File - AM5314 753
Feb. 18 28 AM5314 (E & R) adopted. Advanced for Engrossment 888
Feb. 22 30 Correctly Engrossed 932
Feb. 25 33 Final Reading 41-0-8 1005
Feb. 25 33 Speaker signed 1012
Feb. 25 33 Presented to Governor (2/25) 1033
Mar. 2 37 Approved by Governor (3/1) 1117

LEGISLATIVE BILL 191. By Pappas

Jan. 6 1 Title 9
Jan. 8 3 Bernard-Stevens name added 222
Jan. 12 5 Committee amendment #0261 p. 714, First Session, lost. Landis pending amendments #0488 p. 948, #0549 p. 1009, #0636 p. 1133, and #0662 p. 1221, First

Session, withdrawn. Landis-Remmers pending amendment #0719 p. 1232, First Session, adopted. Advanced for Review 272
Jan. 19 8 Placed on Select File - AM5251 343
Jan. 20 9 AM5251 (E & R) adopted. Advanced for Engrossment 388
Jan. 25 12 Correctly Engrossed 490
Jan. 25 12 ER0227 change 492
Jan. 29 16 Returned to Select File for Bernard-Stevens amendment. Bernard-Stevens amendment adopted. Advanced for Re-Engrossment 566
Feb. 1 17 Correctly Re-Engrossed 598
Feb. 8 22 Failed on Final Reading w/E 8-23-18. Final Reading 37-0-12 724
Feb. 8 22 Correctly Enrolled 727
Feb. 8 22 Speaker signed 729
Feb. 8 22 Presented to Governor (2/8) 730
Feb. 8 22 Hefner explanation of vote 735
Feb. 11 25 Approved by Governor (2/10) 798

LEGISLATIVE BILL 192. By Pappas

Jan. 6 1 Title 10
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 195. By Goodrich

Jan. 6 1 Title 10
Jan. 19 8 Indefinitely postponed 363

LEGISLATIVE BILL 202. By Harris, Warner, Marsh, Wesely, McFarland, Landis

Jan. 6 1 Title 10
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 210. By Remmers, Moore

Jan. 6 1 Title 10
Jan. 28 15 Indefinitely postponed 547

LEGISLATIVE BILL 213. By Conway

Jan. 6 1 Title 10

Jan. 14 7 Passed over 328
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 217. By Education Committee

Jan. 6 1 Title 11
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 220. By Morehead, Harris

Jan. 6 1 Title 11
Feb. 22 30 Speaker Barrett priority bill 931
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 229. By Wesely, V. Johnson

Jan. 6 1 Title 11
Feb. 23 31 Wesely-V. Johnson amendment printed 961
Mar. 3 38 AM5065 (E & R) adopted. Wesely-V. Johnson pending amendment p. 961 adopted. Advanced for Engrossment 1161
Mar. 7 39 Chambers name added 1208
Mar. 8 40 Correctly Engrossed. ER0263 change 1257
Mar. 31 56 Final Reading 35-1-13 1946
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 7 59 Approved by Governor (4/6) 2173

LEGISLATIVE BILL 229A. By Wesely

Jan. 6 1 Title 11
Jan. 22 11 V. Johnson amendment #1639 printed 479
Mar. 1 36 V. Johnson-Wesely amendment #2175 printed ... 1099
Mar. 3 38 V. Johnson pending amendment #1639 p. 479 withdrawn. V. Johnson-Wesely pending amendment #2175 p. 1099 adopted. Advanced for Engrossment 1162
Mar. 8 40 Correctly Engrossed 1257
Mar. 8 40 ER0264 change 1258
Mar. 31 56 Final Reading 38-0-11 1947
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 7 59 Approved by Governor (4/6) 2173

LEGISLATIVE BILL 230. By V. Johnson, Hall

Jan. 6 1 Title 12
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 232. By Schmit, Warner

Jan. 6 1 Title 11
Feb. 2 18 Indefinitely postponed 644

LEGISLATIVE BILL 238. By Schmit

Jan. 6 1 Title 12
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 249. By Withem

Jan. 6 1 Title 12
Jan. 14 7 Committee amendment #0475 p. 943, First Session, adopted. Advanced for Review 328
Jan. 20 9 Placed on Select File - AM5275 376
Jan. 22 11 AM5275 (E & R) adopted. Advanced for Engrossment 455
Jan. 26 13 Correctly Engrossed. ER0233 change 513
Feb. 1 17 Final Reading 40-0-9 600
Feb. 1 17 Speaker signed 607
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 251. By Withem

Jan. 6 1 Title 12
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 252. By Barrett

Jan. 6 1 Title 12
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 256. By Wesely

Jan. 6 1 Title 12
Feb. 9 23 Placed on General File - Com am #1912 757
Feb. 29 35 Wesely amendment #2201 to committee amendment printed 1080
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 257. By Wesely

Jan.	6	1	Title	13
Jan.	7	2	Wesely amendment #1587 printed	186
Jan.	8	3	Wesely pending amendment #1587 p. 186 adopted. Lamb amendment #1598 withdrawn. Advanced for Review	223
Jan.	11	4	Placed on Select File - AM5242	256
Feb.	25	33	Lamb amendment #2211 printed	1018
Feb.	29	35	Wesely amendment #2120 printed	1079
Mar.	3	38	AM5242 (E & R) adopted. Lamb pending amendment #2211 p. 1018 and Wesely pending amendment #2120 p. 1079 adopted. Advanced for Engrossment	1162
Mar.	8	40	Correctly Engrossed	1257
Mar.	8	40	ER0270 change	1258
Mar.	15	44	Final Reading 36-0-13	1398
Mar.	15	44	Speaker signed	1405
Mar.	15	44	Presented to Governor (3/15)	1416
Mar.	17	46	Approved by Governor (3/17)	1502

LEGISLATIVE BILL 259. By Morehead

Jan.	6	1	Title	13
Feb.	8	22	Placed on General File - Com am #1910 (printed separate)	732
Feb.	22	30	Speaker Barrett priority bill	931
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 259A. By Morehead

Feb.	19	29	Read first time. Placed on General File	914
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 260. By Pappas

Jan.	6	1	Title	13
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 263. By Conway, Lynch

Jan.	6	1	Title	13
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 271. By Chizek, Pirsch, Lynch, Conway

Jan.	6	1	Title	13
Jan.	21	10	Chizek amendment #1611 to committee amendment printed	438
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 273. By Pirsch, Marsh, Chizek

Jan.	6	1	Title	14
Jan.	19	8	Committee amendment #0547 p. 1051, First Session, adopted. Advanced for Review	355
Jan.	20	9	Placed on Select File - AM5282	399
Jan.	22	11	AM5282 (E & R) adopted. Pirsch amendment adopted. Advanced for Engrossment	456
Jan.	27	14	Correctly Engrossed. ER0230 change	519
Feb.	5	21	Final Reading 41-0-8	704
Feb.	5	21	President signed	712
Feb.	8	22	Presented to Governor (2/5)	722
Feb.	11	25	Approved by Governor (2/10)	799

LEGISLATIVE BILL 273A. By Pirsch, Marsh

Jan.	6	1	Title	14
Jan.	19	8	Advanced for Review	356
Jan.	20	9	Placed on Select File - AM5284	402
Jan.	22	11	AM5284 (E & R) adopted. Advanced for Engrossment	456
Jan.	27	14	Correctly Engrossed	519
Feb.	5	21	Final Reading 41-0-8	705
Feb.	5	21	President signed	712
Feb.	8	22	Presented to Governor (2/5)	722
Feb.	11	25	Approved by Governor (2/10)	799

LEGISLATIVE BILL 283. By Withem, Chizek

Jan.	6	1	Title	14
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 283A. By Withem

Jan.	12	5	Read first time. Placed on General File	281
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 288A. By V. Johnson

Jan. 6 1 Title 14
Mar. 1 36 Chambers pending amendment p. 2095, First Session, withdrawn. Barrett motion to indefinitely postpone prevailed 1095

LEGISLATIVE BILL 294. By Revenue Committee

Jan. 6 1 Title 14
Feb. 22 30 Committee amendment #1450 p. 2431, First Session, adopted 931
Feb. 23 31 Abboud motion to indefinitely postpone lost. Advanced for Review 940
Feb. 25 33 Placed on Select File - AM5341 1001
Feb. 25 33 McFarland amendment #2135 to committee amendment printed 1028
Feb. 26 34 Labedz-Hall amendment #2241 to committee amendment printed 1054
Feb. 26 34 Labedz-Hall amendment #2237 to committee amendment printed 1056
Mar. 7 39 V. Johnson-Wesely amendment #2378 printed ... 1209
Mar. 7 39 V. Johnson amendment #2366 printed 1210
Mar. 8 40 Miller amendment #2449 printed separate 1273
Mar. 8 40 Schmit amendment #2423 to committee amendment printed 1275
Mar. 14 43 V. Johnson amendment #2546 to committee amendment printed 1373
Mar. 15 44 Conway amendment #2444 to committee amendment printed 1418
Mar. 16 45 AM5341 (E & R) adopted. McFarland pending amendment #2135 p. 1028 pending 1465
Mar. 16 45 McFarland pending amendment #2135 p. 1028 withdrawn 1468
Mar. 18 47 Labedz request to replace pending amendment prevailed. Labedz-Hall pending amendment #2237 p. 1056 withdrawn. Labedz-Chambers-Chizek-Hall-Wesely substitute amendment #2542 to committee amendment adopted. Labedz-Hall pending amendment #2241 p. 1054 and V. Johnson-Wesely pending amendment #2378 p. 1209 withdrawn. V. Johnson pending amendment #2366 p. 1210 pending 1523
Mar. 18 47 V. Johnson pending amendment #2366

p. 1210 lost 1533
Mar. 28 53 Miller pending amendment #2449 p. 1273 and Schmit pending amendment #2423 p. 1275 withdrawn. V. Johnson pending amendment #2546 p. 1373 ruled not germane. V. Johnson motion to suspend rules prevailed. V. Johnson pending amendment #2546 p. 1373 pending 1803
Mar. 28 53 McFarland motion to bracket until 4/4/88 lost 1805
Mar. 28 53 V. Johnson amendment #2813 printed 1808
Mar. 28 53 Conway amendment #2603 to committee amendment printed 1826
Mar. 29 54 Baack amendment #2834 to amendment #2546 lost. V. Johnson pending amendment #2546 p. 1373 lost. Moore motion to reconsider V. Johnson amendment #2546 prevailed. V. Johnson reconsidered amendment #2546 p. 1373 adopted. Conway pending amendment #2444 p. 1418 pending 1849
Mar. 29 54 Hefner amendment to amendment #2444 ruled not germane. Conway pending amendment #2444 p. 1418 and McFarland amendment #2596 lost. Conway pending amendment #2603 p. 1826 withdrawn. Landis amendment adopted. Labedz amendment and V. Johnson pending amendment #2813 p. 1808 lost. Wesely motion to reconsider lost. V. Johnson motion to suspend rules prevailed. Advanced for Engrossment 1856
Mar. 30 55 Correctly Engrossed. ER0298 change 1938
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 294A. By V. Johnson

Mar. 28 53 Read first time. Placed on General File 1796
Mar. 31 56 V. Johnson amendment #2871 adopted. Advanced for Review 1971
Apr. 5 57 Placed on Select File 1995
Apr. 6 58 Advanced for Engrossment 2082
Apr. 6 58 Correctly Engrossed 2091
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 295. By V. Johnson

Jan. 6 1 Title 15
Mar. 14 43 V. Johnson-Morehead amendment #2336 printed separate 1366
Mar. 15 44 Committee amendment #0607, p. 1103, First Session, lost as amended. V. Johnson pending amendment #1435 p. 2397, Hall pending amendments #1316 p. 2408, and #1409 p. 2351, First Session, withdrawn. Hall-Labedz-Langford amendment #2583 (on file) to amendment #2336 ruled not germane - Challenge of Chair lost. Hall amendment to amendment #2336 lost 1407
Mar. 15 44 V. Johnson-Morehead pending amendment #2336 p. 1366 adopted as amended by Hall amendments and Hannibal amendment. Advanced for Review 1416
Mar. 15 44 Hall amendment to amendment #2336 printed ... 1422
Mar. 18 47 Placed on Select File - AM5407 1517
Mar. 28 53 Hall amendment #2820 to amendment #2336 printed 1824
Mar. 30 55 AM5407 (E & R) adopted. Hall pending amendment p. 1422 adopted, reconsidered and withdrawn. Hall pending amendment #2820 p. 1824 adopted. Hall-V. Johnson amendments #2897 and #2912 to amendment #2336 lost 1934
Mar. 31 56 Hall amendment adopted. Landis amendment #2838 withdrawn. Hall amendment and Hall-V. Johnson amendment #2919 lost. Advanced for Engrossment 1975
Apr. 5 57 Correctly Engrossed 1999
Apr. 5 57 ER0309 change 2000
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading 47-0-2 2216
Apr. 8 60 President signed 2220
Apr. 8 60 Presented to Governor (4/8) 2234
Apr. 14 AJ Approved by Governor (4/11) 2286

LEGISLATIVE BILL 295A. By V. Johnson

Jan. 6 1 Title 15
Mar. 15 44 Advanced for Review 1417

Mar. 18 47 Placed on Select File - AM5406 1519
Mar. 31 56 AM5406 (E & R) adopted. Morehead motion to indefinitely postpone laid over 1979
Apr. 6 58 Morehead pending motion p. 1979 withdrawn. V. Johnson motion to suspend rules prevailed. V. Johnson amendment #2932 lost as amended by V. Johnson amendment. Ashford motion to reconsider amendment #2932 prevailed. V. Johnson reconsidered amendment #2932 adopted as amended. Advanced for Engrossment 2098
Apr. 6 58 Correctly Engrossed 2127
Apr. 6 58 ER0329 change 2128
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Hall-Moore motion to return to Select File for amendment withdrawn. Failed on Final Reading w/E 24-22-3 2217
Apr. 8 60 Final Reading 25-23-1 2218
Apr. 8 60 Correctly Enrolled. Speaker signed 2234
Apr. 8 60 Presented to Governor (4/8) 2244
Apr. 14 AJ Returned by Governor without approval (4/13) . 2301

LEGISLATIVE BILL 299. By Peterson

Jan. 6 1 Title 15
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 301. By Conway

Jan. 6 1 Title 16
Jan. 13 6 Committee amendment #0422 p. 895, First Session, adopted. Advanced for Review 315
Jan. 13 6 Dierks-Wesely amendment printed 316
Jan. 20 9 Placed on Select File - AM5270 375
Jan. 27 14 AM5270 (E & R) adopted. Dierks-Wesely pending amendment p. 316 adopted. Advanced for Engrossment 523
Jan. 28 15 Correctly Engrossed 538
Jan. 28 15 ER0235 change 539
Mar. 15 44 Conway amendment #2574 printed 1410
Mar. 29 54 Returned to Select File for Conway amendment. Conway pending amendment #2574 p. 1410 adopted. Advanced for Re-Engrossment 1838
Mar. 30 55 Correctly Re-Engrossed. ER0295 change 1919

Apr. 6 58 Final Reading 46-0-3 2139
Apr. 6 58 Speaker signed 2141
Apr. 7 59 Presented to Governor (4/7) 2147
Apr. 8 60 Approved by Governor (4/7) 2243

LEGISLATIVE BILL 301A. By Conway

Jan. 13 6 Read first time. Placed on General File 320
Jan. 21 10 Advanced for Review 415
Jan. 22 11 Placed on Select File 449
Jan. 27 14 Advanced for Engrossment 523
Jan. 28 15 Correctly Engrossed 538
Apr. 6 58 Final Reading 44-1-4 2140
Apr. 6 58 Speaker signed 2141
Apr. 7 59 Presented to Governor (4/7) 2147
Apr. 8 60 Approved by Governor (4/7) 2243

LEGISLATIVE BILL 305. By Hartnett

Jan. 6 1 Title 16
Jan. 11 4 Hartnett pending amendment #0669
p. 1189, First Session, withdrawn.
Wehrbein amendment adopted.
Advanced for Review 259
Jan. 19 8 Placed on Select File - AM5248 340
Jan. 20 9 AM5248 (E & R) adopted. Beyer amendment
#1695 and Wehrbein amendment adopted.
Advanced for Engrossment 380
Jan. 25 12 Correctly Engrossed 490
Jan. 25 12 ER0225 change 492
Mar. 14 43 Lamb-Bernard Stevens amendment
#2552 printed 1387
Apr. 5 57 Lamb-Bernard Stevens pending amendment
#2552 p. 1387 withdrawn 2010
Apr. 5 57 Final Reading 44-0-5 2011
Apr. 5 57 Speaker signed 2029
Apr. 5 57 Presented to Governor (4/5) 2030
Apr. 5 57 Abboud explanation of vote 2034
Apr. 7 59 Approved by Governor (4/6) 2173

LEGISLATIVE BILL 305A. By Hartnett

Jan. 6 1 Title 16
Jan. 11 4 Advanced for Review 260
Jan. 12 5 Hartnett amendment #1615 printed 294

Jan. 19 8 Placed on Select File - AM5250 342
Jan. 20 9 AM5250 (E & R) adopted. Hartnett pending amendment #1615 p. 294 adopted. Advanced for Engrossment 383
Jan. 25 12 Correctly Engrossed 490
Apr. 5 57 Final Reading 44-0-5 2012
Apr. 5 57 Speaker signed 2029
Apr. 5 57 Presented to Governor (4/5) 2030
Apr. 7 59 Approved by Governor (4/6) 2173

LEGISLATIVE BILL 309. By Wesely

Jan. 6 1 Title 16
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 316. By Wesely, Marsh

Jan. 6 1 Title 16
Jan. 13 6 Committee amendment #0436 p. 883, First Session, adopted. Wesely amendment adopted. Advanced for Review 315
Jan. 20 9 Placed on Select File - AM5274 374
Feb. 11 25 Wesely amendment #1982 printed 820
Feb. 25 33 AM5274 (E & R) adopted. Wesely pending amendment #1982 and Chambers amendment adopted. Advanced for Engrossment 1034
Feb. 26 34 Chambers name added 1058
Feb. 29 35 Correctly Engrossed. ER0259 change 1083
Mar. 3 38 Final Reading 41-0-8 1148
Mar. 3 38 President signed 1150
Mar. 3 38 Presented to Governor (3/3) 1156
Mar. 7 39 Approved by Governor (3/4) 1187

LEGISLATIVE BILL 320. By Wesely

Jan. 6 1 Title 16
Feb. 16 26 Wesely amendment #2025 printed 841
Mar. 3 38 Wesely pending amendment #2025 p. 841 adopted. Advanced for Engrossment 1162
Mar. 8 40 Correctly Engrossed 1257
Mar. 15 44 Final Reading 37-1-11 1398
Mar. 15 44 Speaker signed 1405
Mar. 15 44 Presented to Governor (3/15) 1416
Mar. 17 46 Approved by Governor (3/17) 1502

LEGISLATIVE BILL 321. By Wesely

Jan. 6 1 Title 17
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 326. By Lamb, R. Johnson, Dierks, Moore

Jan. 6 1 Title 17
Feb. 22 30 Passed over 931
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 337A. By Pappas, Johanns

Jan. 6 1 Title 17
Feb. 29 35 Chambers pending amendment p. 2575 and Hefner pending amendment #1541 p. 2618, First Session, withdrawn. Chambers amendments and V. Johnson amendment adopted. Advanced for Engrossment 1081
Mar. 1 36 Wesely name added 1089
Mar. 1 36 Correctly Engrossed. ER0261 change 1097
Mar. 25 52 Johanns motion to suspend rules prevailed. Final Reading 46-0-3 1749
Mar. 25 52 President signed 1750
Mar. 25 52 Presented to Governor (3/25) 1764
Mar. 28 53 Approved by Governor (3/28) 1823

LEGISLATIVE BILL 340. By Pappas

Jan. 6 1 Title 17
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 350. By Lynch

Jan. 6 1 Title 17
Jan. 22 11 Committee amendment #0685 p. 1254, First Session, adopted. Advanced for Review 464
Jan. 25 12 Placed on Select File - AM5300 488
Jan. 27 14 AM5300 (E & R) adopted. Advanced for Engrossment 526
Jan. 28 15 Correctly Engrossed 552
Feb. 11 25 Attorney General's Opinion #88007 to Abboud ... 795
Mar. 31 56 Final Reading 41-1-7 1947
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979

Apr. 6 58 Returned by Governor without approval (4/6) ... 2105
Apr. 6 58 Lynch motion to override veto laid over 2113
Apr. 8 60 Lynch pending motion to override veto passed 32-10-7 2260
Apr. 8 60 Communication and Certificate 2277
Apr. 14 AJ Message from Secretary of State 2290
Apr. 14 AJ Certificate 2291

LEGISLATIVE BILL 350A. By Lynch

Jan. 6 1 Title 17
Jan. 22 11 Lynch amendment #1617 adopted. Advanced for Review 465
Jan. 25 12 Placed on Select File - AM5298 488
Jan. 27 14 AM5298 (E & R) adopted. Advanced for Engrossment 526
Jan. 28 15 Correctly Engrossed 552
Mar. 31 56 Final Reading 43-0-6 1948
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 6 58 Returned by Governor without approval (4/6) ... 2105
Apr. 6 58 Lynch motion to override veto laid over 2113
Apr. 8 60 Lynch pending motion to override veto passed 35-6-8 2261
Apr. 8 60 Communication and Certificate 2277
Apr. 14 AJ Message from Secretary of State 2290
Apr. 14 AJ Certificate 2291

LEGISLATIVE BILL 351. By Lynch

Jan. 6 1 Title 17
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 352. By Abboud, Landis, Ashford

Jan. 6 1 Title 18
Jan. 11 4 Landis-Baack amendment #1594 (printed separate) to committee amendment adopted. Chizek amendment to committee amendment pending 251
Jan. 11 4 Chizek pending amendment p. 251 withdrawn. Chizek amendment #1610 (printed p. 270) to committee amendment pending 252
Jan. 11 4 Landis amendment #1600 printed 257

Jan.	11	4	Committee amendment #0932 p. 1649, First Session, adopted as amended by Chizek pending amendment #1610 p. 252. Advanced for Review	258
Jan.	12	5	Correction	270
Jan.	19	8	Placed on Select File - AM5247 (printed separate)	340
Jan.	21	10	Abboud amendment #1700 printed	419
Feb.	3	19	Chizek amendment #1831 to Chizek amendment #1610 printed	662
Feb.	9	23	Abboud amendment #1946 printed	766
Feb.	10	24	AM5247 (E & R) adopted. Landis pending amendment #1600 p. 257 withdrawn. Chizek amendment #1866 to pending amendment #1700 p. 419 lost	779
Feb.	11	25	Landis amendment #1989 printed	804
Feb.	11	25	Landis amendment #1972 printed	805
Feb.	17	27	Abboud pending amendments #1700 p. 779, #1946 p. 766, Landis pending amendments #1989 p. 804 and #1972 p. 805 adopted. Chizek pending amendment #1831 p. 662 withdrawn. Advanced for Engrossment	860
Feb.	17	27	Bracketed to E & R Final at request of Hefner and Weihing	872
Feb.	17	27	Hefner-Weihing amendment #1865 to Chizek amendment #1610 printed	873
Mar.	3	38	Unbracketed at request of Hefner and Weihing	1161
Mar.	7	39	Correctly Engrossed. ER0244 change	1185
Mar.	17	46	Landis-Ashford-Abboud amendment #2564 printed	1477
Mar.	29	54	Weihing-Hefner pending amendment #1865 p. 873 and Landis-Ashford-Abboud pending amendment #2564 p. 1477 withdrawn	1838
Mar.	29	54	Returned to Select File for Landis-Wesely amendment. Landis-Wesely amendment #2825 (on file) adopted. Advanced for Re-Engrossment	1839
Mar.	31	56	Correctly Re-Engrossed. ER0297 change	1984
Apr.	6	58	Final Reading 41-1-7	2129
Apr.	6	58	Speaker signed	2134
Apr.	7	59	Presented to Governor (4/7)	2147
Apr.	8	60	Approved by Governor (4/7)	2243

LEGISLATIVE BILL 362. By Chizek, Korshoj

Jan.	6	1	Title	18
Jan.	12	5	Committee amendment #0356 p. 869, First Session, adopted. Pappas pending amendment #0238 p. 708, First Session, withdrawn. Advanced for Review	295
Jan.	19	8	Placed on Select File - AM5254	345
Jan.	19	8	Chizek amendment #1657 printed	368
Jan.	20	9	AM5254 (E & R) adopted. Chizek pending amendment #1657 p. 368 adopted. Advanced for Engrossment	389
Jan.	25	12	Correctly Engrossed	490
Jan.	25	12	ER0223 change	492
Jan.	29	16	Final Reading 43-0-6	567
Jan.	29	16	President signed	589
Feb.	1	17	Presented to Governor (1/29)	597
Feb.	3	19	Approved by Governor (2/3)	664

LEGISLATIVE BILL 363. By Landis, Ashford, Conway

Jan.	6	1	Title	19
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 369. By Urban Affairs Committee

Jan.	6	1	Title	19
Jan.	7	2	Committee amendment #0755, p. 1322, First Session, adopted. Advanced for Review	203
Jan.	11	4	Placed on Select File - AM5240	247
Apr.	5	57	Hartnett amendment #2931 printed	2053
Apr.	6	58	AM5240 (E & R) adopted. Hartnett motion to suspend rules prevailed. Hartnett pending amendment #2931 p. 2053 adopted. Advanced for Engrossment	2115
Apr.	6	58	Correctly Engrossed. ER0330 change	2143
Apr.	8	60	Lynch motion to suspend rules prevailed	2209
Apr.	8	60	Final Reading 49-0-0	2218
Apr.	8	60	Speaker signed	2232
Apr.	8	60	Presented to Governor (4/8)	2244
Apr.	8	60	Peterson name added	2279
Apr.	14	AJ	Approved by Governor (4/11)	2286

LEGISLATIVE BILL 370. By Conway

Jan.	6	1	Title	19

Jan. 21 10 Committee amendment #0578 p. 1159, First Session, adopted. Advanced for Review 441
Jan. 22 11 Placed on Select File - AM5292 475
Jan. 27 14 AM5292 (E & R) adopted. Advanced for Engrossment 525
Jan. 28 15 Correctly Engrossed 548
Feb. 5 21 Returned to Select File for Conway amendment. Conway amendment #1905 adopted. Advanced for Re-Engrossment 708
Feb. 9 23 Correctly Re-Engrossed 737
Feb. 18 28 Final Reading 45-0-4 884
Feb. 18 28 President signed 887
Feb. 18 28 Presented to Governor (2/18) 895
Feb. 25 33 Approved by Governor (2/24) 1026

LEGISLATIVE BILL 371. By Conway

Jan. 6 1 Title 19
Feb. 2 18 Indefinitely postponed 644

LEGISLATIVE BILL 372. By Conway

Jan. 6 1 Title 19
Jan. 14 7 Committee amendment #0530 p. 995, First Session, adopted as amended by Conway amendment #1555. Advanced for Review 330
Jan. 20 9 Placed on Select File - AM5276 377
Jan. 22 11 AM5276 (E & R) adopted. Conway amendment #1722 adopted. Advanced for Engrossment 455
Jan. 27 14 Correctly Engrossed 519
Feb. 2 18 Final Reading 47-0-2 633
Feb. 2 18 Speaker signed 642
Feb. 2 18 Presented to Governor (2/2) 646
Feb. 9 23 Approved by Governor (2/8) 739

LEGISLATIVE BILL 372A. By Conway

Jan. 6 1 Title 20
Jan. 14 7 Advanced for Review 331
Jan. 20 9 Placed on Select File - AM5277 377
Jan. 22 11 AM5277 (E & R) adopted. Advanced for Engrossment 456
Jan. 27 14 Correctly Engrossed 519
Feb. 2 18 Final Reading 46-0-3 634

Feb. 2 18 Speaker signed 642
Feb. 2 18 Presented to Governor (2/2) 646
Feb. 9 23 Approved by Governor (2/8) 739

LEGISLATIVE BILL 373. By Schmit, Pappas

Jan. 6 1 Title 20
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 375. By Harris, Schmit, Morehead

Jan. 6 1 Title 20
Jan. 7 2 Remmers amendment #1567 printed separate 179
Feb. 1 17 Schmit amendment #1826 printed separate 628
Feb. 10 24 AM5235 (E & R) p. 2290, First Session, adopted. Hall pending motion p. 1959, First Session, to indefinitely postpone withdrawn. Harris pending amendments #0576 p. 1398 and #0830 p. 1445, First Session, withdrawn. Schmit pending amendment #1826 p. 628 pending 772
Feb. 10 24 Hefner amendment #1843 withdrawn. Schmit pending amendment #1826 p. 628 adopted as amended by Hefner amendments. Remmers pending amendment #1567 p. 179 withdrawn. Advanced for Engrossment 773
Feb. 17 27 Correctly Engrossed. ER0240 change 855
Feb. 24 32 Wesely amendment #2193 printed 997
Mar. 3 38 Returned to Select File for Schmit amendment. Schmit amendment #2166 adopted. Advanced for Re-Engrossment. Wesely pending amendment #2193 p. 997 withdrawn. Returned to Select File for Wesely amendment. Wesely amendment adopted. Advanced for Re-Engrossment 1145
Mar. 7 39 Correctly Re-Engrossed 1223
Mar. 23 50 Schmit amendment #2750 printed 1698
Mar. 24 51 Wesely amendment #2743 printed separate 1722
Mar. 29 54 Returned to Select File for Schmit amendment. Schmit pending amendment #2750 p. 1698 adopted. Advanced for Re-Engrossment. Wesely motion to return to Select File for pending amendment #2743 p. 1722 lost. V. Johnson motion to reconsider action on Wesely amendment

withdrawn 1839
Mar. 30 55 Correctly Re-Engrossed 1919
Mar. 30 55 ER0300 change 1920
Apr. 6 58 Wesely motion to return to Select File withdrawn. Final Reading 26-21-2 2141
Apr. 6 58 Speaker signed 2146
Apr. 7 59 Presented to Governor (4/7) 2147
Apr. 8 60 Approved by Governor (4/8) 2256

LEGISLATIVE BILL 377. By Hall

Jan. 6 1 Title 20
Jan. 12 5 Committee amendment #0397 p. 862, First Session, adopted. Abboud amendment #1636 lost 287
Jan. 12 5 Chambers amendment lost. Hall amendment adopted. Advanced for Review 292
Jan. 19 8 Placed on Select File - AM5259 (printed separate) 345
Jan. 20 9 AM5259 (E & R) adopted. Hall amendment #1693 adopted. Advanced for Engrossment 389
Jan. 25 12 Correctly Engrossed 490
Jan. 25 12 ER0224 change 493
Jan. 29 16 McFarland motion to return to Select File lost. Passed over. Hall amendment printed 568
Feb. 3 19 Correction 648
Feb. 17 27 Wesely amendments #2052 and #2051 printed 867
Feb. 18 28 Passed over 881
Feb. 18 28 Moore amendment #2067 printed 896
Feb. 25 33 Hall pending amendment p. 568, Wesely pending amendments #2052 and #2051 p. 867 withdrawn. Returned to Select File for Hall amendment. Hall amendment adopted. Advanced for Re-Engrossment. Returned to Select File for Moore amendment. Moore pending amendment #2067 p. 896 adopted. Advanced for Re-Engrossment. Wesely motion to bracket until 3/10 pending 1011
Feb. 25 33 Wesely pending motion to bracket until 3/10 prevailed 1012
Mar. 10 41 Attorney General's Opinion #88021 to Wesely ... 1318
Mar. 11 42 Hall-Wesely amendment #2535 printed 1347
Mar. 18 47 Unbracketed by Wesely and Hall 1532

Mar. 22 49 Correction 1582
Mar. 22 49 Returned to Select File for Hall-Wesely amendment. Hall-Wesely pending amendment #2535 p. 1347 adopted. Advanced for Re-Engrossment. Ashford motion to return to Select File withdrawn. McFarland motions to return to Select File lost 1586
Mar. 23 50 Wesely name added 1634
Mar. 23 50 Correctly Re-Engrossed. ER0257 change 1665
Mar. 28 53 Final Reading 45-0-4 1797
Mar. 28 53 President signed 1804
Mar. 28 53 Presented to Governor (3/28) 1805
Mar. 31 56 Approved by Governor (3/31) 1979

LEGISLATIVE BILL 380. By Schmit

Jan. 6 1 Title 20
Mar. 29 54 Schmit motion to place on General File laid over 1848
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 383. By Health and Human Services Committee

Jan. 6 1 Title 21
Feb. 4 20 Committee amendment #0677 p. 1229, First Session, adopted. Advanced for Review 674
Feb. 8 22 Placed on Select File - AM5310 720
Feb. 18 28 AM5310 (E & R) adopted. Wesely amendment adopted. Advanced for Engrossment 886
Feb. 22 30 Correctly Engrossed. ER0251 change 929
Feb. 25 33 Final Reading w/E 42-0-7 1006
Feb. 25 33 Speaker signed 1012
Feb. 25 33 Presented to Governor (2/25) 1033
Mar. 2 37 Approved by Governor (3/1) 1117

LEGISLATIVE BILL 383A. By Wesely

Jan. 6 1 Title 21
Feb. 4 20 Wesely amendment #1618 lost. Advanced for Review 674
Feb. 8 22 Placed on Select File - AM5311 721
Feb. 17 27 Wesely amendment #2032 printed 852
Feb. 18 28 AM5311 (E & R) adopted. Wesely pending amendment #2032 p. 852 adopted. Advanced for Engrossment 887

Feb. 22 30 Correctly Engrossed 929
Feb. 25 33 Final Reading 41-0-8 1007
Feb. 25 33 Speaker signed 1012
Feb. 25 33 Presented to Governor (2/25) 1033
Mar. 2 37 Approved by Governor (3/1) 1117

LEGISLATIVE BILL 384. By Health and Human Services Committee

Jan. 6 1 Title 21
Mar. 1 36 Wesely amendment #2273 printed separate 1111
Mar. 3 38 Wesely pending amendment #2273 p. 1111 withdrawn. Wesely amendment #2313 (on file) pending 1149
Mar. 3 38 Wesely pending amendment #2313 p. 1149 adopted. Schmit amendment #2335 ruled not germane - Challenge of Chair prevailed. Schmit amendment #2335 lost 1150
Mar. 3 38 Marsh amendment adopted. Advanced for Engrossment 1161
Mar. 8 40 Correctly Engrossed 1257
Mar. 8 40 ER0269 change 1259
Mar. 15 44 Final Reading w/E 40-0-9 1399
Mar. 15 44 Speaker signed 1405
Mar. 15 44 Presented to Governor (3/15) 1416
Mar. 17 46 Approved by Governor (3/17) 1502

LEGISLATIVE BILL 384A. By Wesely

Jan. 6 1 Title 21
Mar. 3 38 AM5061 (E & R) p. 562, First Session, adopted. Advanced for Engrossment 1161
Mar. 8 40 Correctly Engrossed 1257
Mar. 8 40 ER0272 change 1260
Mar. 15 44 Final Reading 41-0-8 1400
Mar. 15 44 Speaker signed 1405
Mar. 15 44 Presented to Governor (3/15) 1416
Mar. 17 46 Approved by Governor (3/17) 1502

LEGISLATIVE BILL 391. By Scofield

Jan. 6 1 Title 22
Mar. 3 38 Placed on General File - Com am #2314 1170
Mar. 21 48 Committee amendment #2314 adopted. Advanced for Review 1537

Mar. 22 49 Placed on Select File - AM5415 1604
Mar. 23 50 AM5415 (E & R) adopted.
Advanced for Engrossment 1648
Mar. 23 50 Correctly Engrossed 1697
Mar. 28 53 Final Reading w/E 48-0-1 1798
Mar. 28 53 President signed 1804
Mar. 28 53 Presented to Governor (3/28) 1805
Mar. 31 56 Approved by Governor (3/31) 1979

LEGISLATIVE BILL 393. By Rogers

Jan. 6 1 Title 22
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 395. By General Affairs Committee

Jan. 6 1 Title 22
Jan. 12 5 Higgins pending amendment p. 880,
First Session, adopted 275
Jan. 12 5 Advanced for Review 281
Jan. 19 8 Placed on Select File - AM5253 344
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 395A. By Hartnett, Miller, Schmit, Schellpeper

Mar. 29 54 Read first time. Placed on General File 1871
Mar. 31 56 Advanced for Review 1972
Apr. 5 57 Placed on Select File 1995
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 402. By Schmit, Wehrbein, Remmers

Jan. 6 1 Title 22
Feb. 3 19 Committee amendment #0723 p. 1308, First
Session, adopted. Chambers amendment
adopted. Schmit motion to indefinitely
postpone prevailed 663

LEGISLATIVE BILL 406. By Scofield

Jan. 6 1 Title 22
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 410. By Wesely

Jan. 6 1 Title 22
Jan. 6 1 Attorney General's Opinion #87105 to Pappas 97
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 417. By Withem

Jan. 6 1 Title 23
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 418. By Withem, Lynch

Jan. 6 1 Title 23
Jan. 29 16 Hannibal amendment #1810 printed 592
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 418A. By Withem

Feb. 3 19 Read first time. Placed on General File 667
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 419. By Withem, Lynch, Chizek

Jan. 6 1 Title 23
Jan. 27 14 Committee amendment #0683 p. 1303, First Session, adopted. Advanced for Review 533
Jan. 27 14 Smith and Campbell names added 535
Jan. 29 16 Placed on Select File - AM5306 568
Jan. 29 16 Hannibal amendment #1811 printed 592
Feb. 4 20 Withem amendment #1808 printed separate 673
Feb. 10 24 Lynch amendment #1957 to amendment #1808 printed 781
Feb. 17 27 AM5306 (E & R) adopted. Hannibal pending amendment #1811 p. 592 withdrawn. Withem pending amendment #1808 p. 673 adopted as amended by Lynch pending amendment #1957 p. 781. Advanced for Engrossment 862
Feb. 18 28 Correctly Engrossed. ER0241 change 895
Mar. 14 43 Withem amendment #2457 printed 1360
Mar. 30 55 Returned to Select File for Withem amendment. Withem pending amendment #2457 p. 1360 adopted. Advanced for Re-Engrossment 1883
Mar. 31 56 Wesely name added. Correctly Re-Engrossed 1970
Apr. 7 59 Lynch motion to suspend rules prevailed 2151

Apr. 7 59 Final Reading 44-0-5 2154
Apr. 7 59 Speaker signed 2168
Apr. 7 59 Presented to Governor (4/7) 2169
Apr. 8 60 Approved by Governor (4/8) 2244

LEGISLATIVE BILL 419A. By Withem

Jan. 6 1 Title 23
Jan. 27 14 Withem amendment #1619 adopted. Advanced for Review 533
Jan. 29 16 Placed on Select File - AM5305 572
Feb. 17 27 AM5305 (E & R) adopted. Withem amendment #1981 adopted. Advanced for Engrossment 862
Feb. 18 28 Correctly Engrossed 895
Mar. 28 53 Withem amendment #2697 printed 1832
Mar. 30 55 Returned to Select File for Withem amendment. Withem pending amendment #2697 p. 1832 adopted. Advanced for Re-Engrossment 1884
Mar. 31 56 Correctly Re-Engrossed 1970
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading 43-0-6 2155
Apr. 7 59 Speaker signed 2168
Apr. 7 59 Presented to Governor (4/7) 2169
Apr. 8 60 Approved by Governor (4/8) 2244

LEGISLATIVE BILL 420. By Abboud, Pappas, Ashford, Hefner, Elmer, Peterson, Wehrbein, Hannibal, Warner, Hartnett, Weihing, Conway, Baack, Moore, Langford

Jan. 6 1 Title 23
Jan. 28 15 Indefinitely postponed 547

LEGISLATIVE BILL 421. By V. Johnson

Jan. 6 1 Title 24
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 422. By Lynch, Conway

Jan. 6 1 Title 24
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 428. By Lynch

Jan.	6	1	Title	24
Jan.	6	1	Attorney General's Opinion #87106 to Lynch	99
Jan.	6	1	Lynch amendment #1558 printed	138
Jan.	7	2	Hall amendment to pending amendment #1558 lost. Lynch pending amendment #1558 p. 138 adopted. Smith pending amendment #0743 p. 1305, First Session, withdrawn. Advanced for Review	183
Jan.	8	3	Placed on Select File - AM5238	222
Jan.	12	5	Moore amendment #1638 printed	295
Jan.	13	6	AM5238 (E & R) adopted. Moore pending amendment #1638 p. 295 lost. Advanced for Engrossment	306
Jan.	19	8	Correctly Engrossed	345
Jan.	25	12	Moore amendment and Smith-Moore amendment #1725 printed	497
Jan.	26	13	Smith-Moore and Moore motions to return to Select File for pending amendments p. 497 lost. Smith motion to return to Select File for amendment #1726 (on file) withdrawn. Failed on Final Reading 23-21-5	510
Jan.	27	14	V. Johnson motion to reconsider action on Final Reading laid over	528
Jan.	29	16	Smith-Moore amendment #1813 printed separate	592
Feb.	1	17	Moore amendment #1803 printed	621
Feb.	2	18	V. Johnson pending motion p. 528 pending	641
Feb.	2	18	V. Johnson pending motion p. 528 prevailed	642
Feb.	2	18	Smith-Moore motion to return to Select File lost. Moore motion to bracket lost	643
Feb.	5	21	Smith-Moore amendment #1899 printed separate	697
Feb.	5	21	Lynch amendment #1913 printed separate	714
Feb.	17	27	Smith-Moore motion to return to Select File for pending amendment #1899 lost. Moore pending amendment #1803 p. 621 and Lynch pending amendment #1913 p. 714 withdrawn. Final Reading 25-20-4	857
Feb.	17	27	President signed	860
Feb.	17	27	Presented to Governor (2/17)	868
Feb.	19	29	Approved by Governor (2/19)	905

LEGISLATIVE BILL 429. By Lynch

Jan.	6	1	Title	24

Jan. 19 8 Committee amendment #0507 p. 1051, First Session, adopted. Hannibal amendment adopted. Abboud amendment lost. Advanced for Review 349
Jan. 20 9 Placed on Select File - AM5280 399
Jan. 22 11 AM5280 (E & R) adopted. Advanced for Engrossment 456
Jan. 27 14 Correctly Engrossed 519
Feb. 2 18 Final Reading 45-0-4 635
Feb. 2 18 Speaker signed 642
Feb. 2 18 Presented to Governor (2/2) 646
Feb. 9 23 Approved by Governor (2/8) 739

LEGISLATIVE BILL 435. By Rogers, Baack

Jan. 6 1 Title 24
Jan. 22 11 Advanced for Review 464
Jan. 25 12 Placed on Select File - AM5299 488
Jan. 27 14 AM5299 (E & R) adopted. Advanced for Engrossment 526
Jan. 28 15 Correctly Engrossed 548
Feb. 18 28 Final Reading 44-0-5 881
Feb. 18 28 President signed 887
Feb. 18 28 Presented to Governor (2/18) 895
Feb. 25 33 Approved by Governor (2/24) 1026

LEGISLATIVE BILL 444. By Withem

Jan. 6 1 Title 25
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 445. By Schmit

Jan. 6 1 Title 25
Jan. 22 11 Committee amendment #0655 p. 1214, First Session, adopted. Advanced for Review 463
Jan. 25 12 Placed on Select File - AM5301 487
Jan. 27 14 AM5301 (E & R) adopted. Advanced for Engrossment 526
Jan. 28 15 Correctly Engrossed. ER0236 change 548
Apr. 5 57 Returned to Select File for Schmit amendment. Schmit amendment #2276 adopted. Advanced for Re-Engrossment 2012
Apr. 5 57 Correctly Re-Engrossed. ER0315 change 2029
Apr. 7 59 Lynch motion to suspend rules prevailed 2151

Apr. 7 59 Final Reading 44-0-5 2161
Apr. 7 59 Speaker signed 2168
Apr. 7 59 Presented to Governor (4/7) 2169
Apr. 8 60 Approved by Governor (4/7) 2243

LEGISLATIVE BILL 454. By Banking, Commerce and Insurance Committee

Jan. 6 1 Title 25
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 457. By Schmit, Hefner, Moore

Jan. 6 1 Title 25
Feb. 19 29 Schmit priority bill 922
Mar. 1 36 Haberman amendment #2248 printed separate ... 1103
Mar. 7 39 Schmit-Moore-Coordsen-Schellpeper-Conway-Remmers-Campbell amendment #2374 printed separate 1229
Mar. 10 41 Peterson name added 1313
Mar. 21 48 Schmit amendment #2582 printed separate 1545
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 463. By Wesely, Marsh, Smith

Jan. 6 1 Title 26
Feb. 19 29 Higgins priority bill 915
Feb. 24 32 Placed on General File - Com am #2080 981
Mar. 7 39 Higgins name added 1192
Mar. 11 42 Committee amendment #2080 adopted. Advanced for Review 1348
Mar. 14 43 Placed on Select File - AM5403 1385
Mar. 28 53 AM5403 (E & R) adopted. Advanced for Engrossment 1812
Mar. 29 54 Correctly Engrossed 1848
Apr. 6 58 Final Reading 44-2-3 2133
Apr. 6 58 Speaker signed 2141
Apr. 7 59 Presented to Governor (4/7) 2147
Apr. 8 60 Approved by Governor (4/7) 2243

LEGISLATIVE BILL 464. By V. Johnson

Jan. 6 1 Title 26
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 466. By V. Johnson

Jan. 6 1 Title 26
Jan. 14 7 Lynch amendment #1654 printed 324
Jan. 14 7 Hefner amendment #1647 printed 335
Jan. 27 14 V. Johnson amendment #1771 printed 535
Jan. 28 15 Committee amendment #0423 p. 981, First Session, adopted. V. Johnson pending amendment #1771 p. 535 adopted. Lynch-Hefner motion to indefinitely postpone prevailed 549
Jan. 28 15 Hefner pending amendment #1647 p. 335 and Lynch pending amendment #1654 p. 335 withdrawn 551

LEGISLATIVE BILL 470. By V. Johnson

Jan. 6 1 Title 26
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 475. By V. Johnson, Ashford

Jan. 6 1 Title 26
Feb. 4 20 Abboud name added 679
Feb. 4 20 Committee amendment #0104 p. 1316, First Session, adopted. Advanced for Review 680
Feb. 9 23 Placed on Select File - AM5316 751
Feb. 18 28 AM5316 (E & R) adopted. Advanced for Engrossment 887
Feb. 22 30 Correctly Engrossed 932
Feb. 26 34 Final Reading 41-0-8 1048
Feb. 26 34 Speaker signed 1051
Feb. 29 35 Presented to Governor (2/26) 1060
Mar. 2 37 Approved by Governor (3/1) 1118

LEGISLATIVE BILL 476. By Moore

Jan. 6 1 Title 27
Jan. 13 6 Passed over 315
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 477. By Withem

Jan. 6 1 Title 27
Jan. 20 9 Hannibal-Campbell amendment #1688 to

committee amendment printed 406
Jan. 21 10 Committee amendment #0604 p. 1095, First Session, adopted as amended by Withem amendment and Hannibal-Campbell pending amendment #1688 p. 406. Withem amendment adopted. Advanced for Review 415
Jan. 22 11 Placed on Select File - AM5290 449
Feb. 17 27 Elmer amendment printed 845
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 478. By Withem

Jan. 6 1 Title 27
Jan. 12 5 Withem amendment #0378 adopted. Advanced for Review 273
Jan. 19 8 Placed on Select File - AM5257 343
Jan. 20 9 AM5257 (E & R) adopted. Advanced for Engrossment 389
Jan. 25 12 Correctly Engrossed 490
Jan. 25 12 ER0228 change 493
Jan. 29 16 Final Reading 47-0-2 575
Jan. 29 16 President signed 589
Feb. 1 17 Presented to Governor (1/29) 597
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 488. By L. Johnson, Hannibal, Goodrich, Labedz

Jan. 6 1 Title 27
Jan. 6 1 L. Johnson-Goodrich-Hannibal-Remmers-Labedz amendment #1564 printed 141
Jan. 7 2 L. Johnson et al pending amendment #1564 p. 141 adopted. Advanced for Review 182
Jan. 7 2 Schmit amendment printed 186
Jan. 11 4 Placed on Select File - AM5239 247
Jan. 13 6 AM5239 (E & R) adopted. Schmit pending amendment p. 186 withdrawn. Advanced for Engrossment 309
Jan. 19 8 Correctly Engrossed 345
Jan. 19 8 Landis amendment #1681 printed 368
Jan. 26 13 Returned to Select File for Landis amendment. Landis pending amendment #1681 p. 368 adopted. Advanced for Re-Engrossment 514
Jan. 27 14 Correctly Re-Engrossed 519

Feb. 2 18 Final Reading 47-0-2 635
Feb. 2 18 Speaker signed 642
Feb. 2 18 Presented to Governor (2/2) 646
Feb. 9 23 Approved by Governor (2/8) 739

LEGISLATIVE BILL 490. By Landis

Jan. 6 1 Title 27
Jan. 25 12 Committee amendment #0722 p. 1276, First Session, adopted as amended by Landis amendment #1556. Advanced for Review 497
Jan. 27 14 Placed on Select File - AM5303 (printed separate) 518
Feb. 4 20 AM5303 (E & R) adopted. Advanced for Engrossment 672
Feb. 9 23 Correctly Engrossed 738
Feb. 18 28 Final Reading 42-0-7 885
Feb. 18 28 President signed 887
Feb. 18 28 Presented to Governor (2/18) 895
Feb. 25 33 Approved by Governor (2/24) 1026

LEGISLATIVE BILL 498. By Haberman

Jan. 6 1 Title 27
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 500. By Wesely

Jan. 6 1 Title 28
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 503. By Beyer

Jan. 6 1 Title 28
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 506. By Health and Human Services Committee

Jan. 6 1 Title 28
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 506A. By Lynch

Jan. 6 1 Title 28
Feb. 2 18 Lynch amendment #1620 printed 645

Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 512. By Lynch

Jan. 6 1 Title 28
Jan. 27 14 Placed on General File - Com #1767 529
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 517. By V. Johnson

Jan. 6 1 Title 28
Jan. 22 11 Labedz-Hall amendment #1651 printed 478
Feb. 3 19 Labedz-Hall pending amendment #1651 p. 478 and Landis pending amendment #0915 p. 1576, First Session, withdrawn. Marsh amendment #1787 lost 649
Feb. 3 19 Labedz motion to indefinitely postpone prevailed 653
Feb. 3 19 Chambers motion to reconsider action on p. 653 lost 654

LEGISLATIVE BILL 517A. By V. Johnson

Jan. 6 1 Title 28
Jan. 22 11 V. Johnson amendment #1621 printed 478
Mar. 1 36 V. Johnson pending amendment #1621 p. 478 withdrawn. Barrett motion to indefinitely postpone prevailed 1096

LEGISLATIVE BILL 518. By V. Johnson

Jan. 6 1 Title 29
Feb. 11 25 Failed to advance for Review 807
Feb. 19 29 V. Johnson priority bill 915
Mar. 1 36 Chambers name added 1099
Mar. 3 38 V. Johnson amendment adopted. Hefner motion to indefinitely postpone laid over 1149
Mar. 10 41 Hefner pending motion p. 1149 withdrawn. Ashford amendment #2479 adopted. Advanced for Engrossment 1320
Mar. 10 41 Smith-Johanns amendment #2507 printed 1324
Mar. 11 42 Placed on Select File - AM5397 1337
Mar. 29 54 V. Johnson amendment #2864 printed 1879
Mar. 30 55 AM5397 (E & R) adopted. Smith-Johanns pending amendment #2507 p. 1324 adopted.

V. Johnson request to substitute amendment prevailed. V. Johnson pending amendment #2864 p. 1879 withdrawn. V. Johnson substitute amendment adopted. Advanced for Engrossment 1917
Apr. 5 57 Correctly Engrossed 1999
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading 44-2-3 2213
Apr. 8 60 President signed 2220
Apr. 8 60 Presented to Governor (4/8) 2234
Apr. 14 AJ Approved by Governor (4/13) 2300

LEGISLATIVE BILL 518A. By V. Johnson

Jan. 6 1 Title 29
Jan. 22 11 V. Johnson amendment #1622 printed 480
Mar. 10 41 V. Johnson pending amendment #1622 p. 480 adopted. Advanced for Review 1321
Mar. 11 42 Placed on Select File - AM5399 1337
Mar. 29 54 V. Johnson amendment #2819 printed 1879
Mar. 30 55 AM5399 (E & R) adopted. V. Johnson pending amendment #2819 p. 1879 lost. Smith-Johanns amendment #2908 adopted. Advanced for Engrossment 1925
Mar. 31 56 Ashford name added 1991
Apr. 5 57 Correctly Engrossed 1999
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading 41-3-5 2214
Apr. 8 60 President signed 2220
Apr. 8 60 Presented to Governor (4/8) 2234
Apr. 14 AJ Approved by Governor (4/13) 2300

LEGISLATIVE BILL 519. By Wesely, Chizek, Ashford, Pappas

Jan. 6 1 Title 29
Jan. 26 13 Bracketed until 2/8/88 516
Feb. 11 25 Committee amendment #0734 p. 1281, First Session, adopted. Pappas pending amendment #0221 p. 708, First Session, withdrawn. Advanced for Review 800
Feb. 16 26 Placed on Select File - AM5333 822
Feb. 18 28 AM5333 (E & R) adopted. Advanced for Engrossment 892
Feb. 23 31 Correctly Engrossed 952
Feb. 26 34 Final Reading 41-0-8 1050

Feb. 26 34 Speaker signed 1051
Feb. 29 35 Presented to Governor (2/26) 1060
Mar. 7 39 Returned by Governor without approval (3/3) ... 1187
Mar. 10 41 Ashford-Hall-Wesely-Chizek motion to override veto laid over 1314
Mar. 14 43 Chizek et al pending motion p. 1314 to override veto failed 28-15-6 1371
Mar. 15 44 R. Johnson motion to reconsider action laid over 1405
Mar. 22 49 R. Johnson pending motion to reconsider action prevailed. Chizek-Ashford-Hall-Wesely motion to override veto prevailed 31-16-2. Chambers motion to reconsider action lost - ruling request 1608
Mar. 22 49 Communication 1616
Mar. 22 49 Certificate 1617
Mar. 23 50 Message from Secretary of State 1653
Mar. 23 50 Certificate 1654
Mar. 24 51 Correction 1704

LEGISLATIVE BILL 520. By McFarland

Jan. 6 1 Title 29
Feb. 4 20 Committee amendment #0724 p. 1308, First Session, lost. McFarland and Lamb amendments adopted. Advanced for Review 677
Feb. 8 22 Placed on Select File - AM5312 721
Feb. 17 27 McFarland amendment #2038 printed 865
Feb. 18 28 AM5312 (E & R) adopted. McFarland pending amendment #2038 p. 865 adopted. Advanced for Engrossment 887
Feb. 22 30 Correctly Engrossed. ER0247 change 932
Feb. 25 33 Final Reading 43-0-6 1007
Feb. 25 33 Speaker signed 1012
Feb. 25 33 Presented to Governor (2/25) 1033
Mar. 2 37 Approved by Governor (3/1) 1117

LEGISLATIVE BILL 534. By Smith, Lynch, Pappas, Rupp

Jan. 6 1 Title 29
Jan. 19 8 Indefinitely postponed 363

LEGISLATIVE BILL 535. By Pirsch

Jan. 6 1 Title 29

Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 537. By Dierks, Rupp, Conway, Remmers

Jan. 6 1 Title 30
Jan. 19 8 Committee amendment #0546 p. 1032, First Session, adopted. Advanced for Review 349
Jan. 20 9 Placed on Select File - AM5283 399
Jan. 20 9 Abboud name added 406
Jan. 22 11 AM5283 (E & R) adopted. Advanced for Engrossment 456
Jan. 27 14 Correctly Engrossed. ER0231 change 519
Feb. 2 18 Final Reading 45-0-4 636
Feb. 2 18 Speaker signed 642
Feb. 2 18 Presented to Governor (2/2) 646
Feb. 9 23 Approved by Governor (2/8) 739

LEGISLATIVE BILL 541. By Hall

Jan. 6 1 Title 30
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 542. By Pappas

Jan. 6 1 Title 30
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 547. By Conway, Baack

Jan. 6 1 Title 30
Feb. 8 22 Conway-Baack motion to withdraw laid over 734
Feb. 8 22 Baack motion to suspend rules and withdraw laid over 735
Feb. 8 22 Baack pending motion p. 735 prevailed. Withdrawn 740

LEGISLATIVE BILL 550. By General Affairs Committee

Jan. 6 1 Title 30
Jan. 12 5 Committee amendment #0335 p. 826, First Session, adopted. Advanced for Review 282
Jan. 19 8 Placed on Select File - AM5258 344
Jan. 22 11 AM5258 (E & R) adopted. Advanced for Engrossment 453

Jan. 25 12 Correctly Engrossed 500
Jan. 29 16 Final Reading w/E 46-1-2 576
Jan. 29 16 President signed 589
Feb. 1 17 Presented to Governor (1/29) 597
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 551. By Goodrich, Hartnett

Jan. 6 1 Title 30
Jan. 19 8 Committee amendment #0571 p. 1087, First Session, adopted. Advanced for Review 356
Jan. 21 10 Placed on Select File - AM5287 408
Jan. 27 14 AM5287 (E & R) adopted. Advanced for Engrossment 524
Jan. 28 15 Correctly Engrossed 538
Feb. 9 23 Goodrich amendment #1838 printed 742
Feb. 17 27 Goodrich amendment #2039 printed separate 855
Feb. 18 28 Returned to Select File for Goodrich amendment. Goodrich pending amendment #1838 p. 742 adopted. Advanced for Re-Engrossment. Returned to Select File for Goodrich amendment. Goodrich pending amendment #2039 p. 855 adopted. Advanced for Re-Engrossment 882
Feb. 22 30 Correctly Re-Engrossed 929
Feb. 22 30 ER0252 change 930
Mar. 31 56 Final Reading w/E 43-0-6 1949
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 7 59 Approved by Governor (4/6) 2173

LEGISLATIVE BILL 551A. By Hartnett

Jan. 28 15 Read first time. Placed on General File 542
Feb. 3 19 Advanced for Review 649
Feb. 4 20 Placed on Select File 669
Feb. 17 27 Advanced for Engrossment 863
Feb. 18 28 Correctly Engrossed 895
Mar. 31 56 Final Reading 42-0-7 1950
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 7 59 Approved by Governor (4/6) 2173

LEGISLATIVE BILL 552. By V. Johnson, Marsh

Jan. 6 1 Title 31
Feb. 8 22 Indefinitely postponed 733

LEGISLATIVE BILL 554. By Pirsch, Warner

Jan. 6 1 Title 31
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 555. By Conway

Jan. 6 1 Title 31
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 556. By Miller, Morehead, Lynch

Jan. 6 1 Title 31
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 557. By Hall

Jan. 6 1 Title 32
Jan. 20 9 Hall amendment #1686 printed separate 379
Jan. 22 11 Elmer amendment to Hall amendment #1686 printed 478
Jan. 27 14 Committee amendment #0688 p. 1294, First Session, adopted as amended by Hall pending amendment #1686 p. 379 and Elmer pending amendment p. 478. Wesely motion to indefinitely postpone pending. Bracketed until 2/3/88 528
Feb. 2 18 Hall-Wesely amendment #1827 printed separate 645
Feb. 4 20 Wesely pending motion p. 529 to indefinitely postpone withdrawn. Hall-Wesely pending amendment #1827 p. 645 adopted. Advanced for Review 673
Feb. 4 20 Hartnett amendment #1875 to amendment #1686 printed 676
Feb. 8 22 Placed on Select File - AM5308 718
Feb. 10 24 Wesely amendment #1986 to amendment #1827 printed 781
Feb. 11 25 Hall amendment #1984 to amendment #1827 printed 808
Feb. 18 28 AM5308 (E & R) adopted. Hartnett pending amendment #1875 p. 676

withdrawn. Wesely pending amendment #1986 p. 781 and Hall pending amendment #1984 p. 808 adopted. Advanced for Engrossment 886
Feb. 22 30 Correctly Engrossed 929
Feb. 22 30 ER0243 change 930
Mar. 31 56 Final Reading 30-5-14 1944
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 6 58 Returned by Governor without approval (4/6) ... 2106
Apr. 6 58 Hall motion to override veto laid over 2114
Apr. 8 60 Hall pending motion to override veto passed 30-13-6 2264
Apr. 6 58 Communication and Certificate 2276
Apr. 14 AJ Message from Secretary of State. Certificate 2289

LEGISLATIVE BILL 557A. By Hall

Jan. 6 1 Title 32
Jan. 21 10 Hall amendment #1624 printed 446
Feb. 4 20 Hall pending amendment #1624 p. 446 adopted. Advanced for Review 673
Feb. 8 22 Placed on Select File - AM5309 720
Feb. 18 28 AM5309 (E & R) adopted. Advanced for Engrossment 886
Feb. 22 30 Correctly Engrossed 929
Mar. 31 56 Final Reading 35-0-14 1945
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 6 58 Returned by Governor without approval (4/6) ... 2106
Apr. 6 58 Hall motion to override veto laid over 2114
Apr. 8 60 Hall pending motion to override veto passed 37-2-10 2265
Apr. 8 60 Communication and Certificate 2276
Apr. 14 AJ Message from Secretary of State. Certificate 2289

LEGISLATIVE BILL 566. By Schmit

Jan. 6 1 Title 32
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 570. By Judiciary Committee

Jan. 6 1 Title 32
Feb. 19 29 Judiciary Committee priority bill 907
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 578. By Haberman

Jan. 6 1 Title 33
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 578A. By Haberman

Jan. 6 1 Title 33
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 579. By Weihing

Jan. 6 1 Title 33
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 582. By Lynch, Ashford

Jan. 6 1 Title 33
Jan. 7 2 Chizek amendment #1585 to committee amendment printed 206
Jan. 8 3 Lynch pending amendment #0342 p. 818, Chizek pending amendments #0933 p. 1621, #1348 p. 2244, #1402 p. 2348, and Pappas amendment #1419 p. 2420, First Session, withdrawn. Committee amendment #0494 p. 1011, First Session, adopted as amended by Chizek pending amendment #1585 p. 206. Advanced for Review 224
Jan. 11 4 Placed on Select File - AM5241 256
Jan. 13 6 AM5241 (E & R) adopted. Advanced for Engrossment 310
Jan. 19 8 Correctly Engrossed 345
Jan. 26 13 Final Reading 43-0-6 514
Jan. 26 13 President signed (see page 518) 517
Jan. 27 14 Correction for President signed 518
Jan. 27 14 Presented to Governor (1/26) 520
Feb. 1 17 Approved by Governor (1/29) 598

LEGISLATIVE BILL 586. By Withem

Jan. 6 1 Title 33
Feb. 23 31 Indefinitely postponed 938

LEGISLATIVE BILL 588. By Withem

Jan. 6 1 Title 33
Feb. 26 34 Committee amendment #0465 p. 944, First Session, adopted as amended by Baack amendment #1627. Barrett amendment #2219 adopted. Advanced for Review 1047
Feb. 29 35 Placed on Select File - AM5349 1078
Mar. 2 37 AM5349 (E & R) adopted. Advanced for Engrossment 1128
Mar. 2 37 Expedited 1131
Mar. 2 37 Correctly Engrossed 1132
Mar. 8 40 Final Reading w/E 48-0-1 1256
Mar. 8 40 President signed 1262
Mar. 8 40 Presented to Governor (3/8) 1266
Mar. 8 40 Approved by Governor (3/8) 1282

LEGISLATIVE BILL 593. By Lamb

Jan. 6 1 Title 34
Feb. 11 25 Elmer amendment adopted. Failed to advance for Review 800
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 594. By Lamb

Jan. 6 1 Title 34
Jan. 19 8 Committee amendment #0368 p. 1019, First Session, adopted. Advanced for Review 347
Jan. 20 9 Placed on Select File - AM5281 398
Jan. 22 11 AM5281 (E & R) adopted. Advanced for Engrossment 456
Jan. 27 14 Correctly Engrossed 519
Feb. 2 18 Final Reading 46-0-3 637
Feb. 2 18 Speaker signed 642
Feb. 2 18 Presented to Governor (2/2) 646
Feb. 9 23 Approved by Governor (2/8) 739

LEGISLATIVE BILL 602. By Abboud

Jan. 6 1 Title 34
Jan. 27 14 Elmer name added 528

Jan.	27	14	Korshoj name added	536
Feb.	1	17	Campbell name added	599
Feb.	4	20	Committee amendment #0675 p. 1330, First Session, adopted as amended by Elmer amendment. Advanced for Review	680
Feb.	9	23	Placed on Select File - AM5313	752
Feb.	16	26	Baack amendment #1959 printed	838
Feb.	18	28	AM5313 (E & R) adopted. Baack pending amendment #1959 p. 838 adopted. Advanced for Engrossment	888
Feb.	22	30	Correctly Engrossed	932
Feb.	22	30	ER0245 change	933
Feb.	25	33	Final Reading w/E 43-1-5	1008
Feb.	25	33	Speaker signed	1012
Feb.	25	33	Presented to Governor (2/25)	1033
Mar.	2	37	Approved by Governor (3/1)	1117

LEGISLATIVE BILL 606. By Ashford

Jan.	6	1	Title	34
Feb.	4	20	Advanced for Review	680
Feb.	9	23	Placed on Select File	752
Feb.	18	28	Advanced for Engrossment	888
Feb.	22	30	Correctly Engrossed	932
Feb.	25	33	Final Reading 44-0-5	1009
Feb.	25	33	Speaker signed	1012
Feb.	25	33	Presented to Governor (2/25)	1033
Mar.	2	37	Approved by Governor (3/1)	1117

LEGISLATIVE BILL 607. By Hartnett

Jan.	6	1	Title	34
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 611. By Pappas

Jan.	6	1	Title	34
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 612. By Pappas

Jan.	6	1	Title	34
Jan.	7	2	Chambers name added	177
Feb.	2	18	Placed on General File	640
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 620. By Hartnett

Jan. 6 1 Title 34
Feb. 24 32 Indefinitely postponed 970

LEGISLATIVE BILL 621. By Hartnett

Jan. 6 1 Title 35
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 625. By Hartnett

Jan. 6 1 Title 35
Jan. 19 8 Committee amendment #0561 p. 1055, First Session, adopted. Advanced for Review 356
Jan. 20 9 Placed on Select File - AM5285 403
Jan. 22 11 AM5285 (E & R) adopted. Advanced for Engrossment 457
Jan. 27 14 Correctly Engrossed 519
Feb. 2 18 Final Reading 44-0-5 638
Feb. 2 18 Speaker signed 642
Feb. 2 18 Presented to Governor (2/2) 646
Feb. 9 23 Approved by Governor (2/8) 739

LEGISLATIVE BILL 627. By Hartnett

Jan. 6 1 Title 35
Jan. 13 6 Hartnett amendment #1614 to committee amendment printed 299
Jan. 26 13 Committee amendment #0720 p. 1276, First Session, adopted as amended by Hartnett pending amendment #1614 p. 299. Wesely-Remmers motion to indefinitely postpone laid over 515
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 628. By Hartnett

Jan. 6 1 Title 35
Jan. 26 13 Bracketed until 2/16/88 515
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 630. By Hartnett

Jan. 6 1 Title 35
Jan. 19 8 Committee amendment #0562 p. 1055, First Session, adopted. Advanced for Review 356
Jan. 21 10 Placed on Select File - AM5286 407
Jan. 27 14 AM5286 (E & R) adopted. Advanced for Engrossment 524
Jan. 28 15 Correctly Engrossed 538
Feb. 5 21 Final Reading 42-0-7 709
Feb. 5 21 President signed 712
Feb. 8 22 Presented to Governor (2/5) 722
Feb. 11 25 Approved by Governor (2/10) 799

LEGISLATIVE BILL 632. By Hartnett

Jan. 6 1 Title 35
Jan. 7 2 Hartnett amendment #1546 printed separate 186
Jan. 7 2 Lamb-Coordsen-Peterson-Rogers-R. Johnson-Weihing-Elmer-V. Johnson-Remmers-Moore-Schmit-Smith-Langford motion to indefinitely postpone laid over 187
Mar. 22 49 Hartnett amendment #2412 printed separate 1584
Mar. 24 51 Hartnett amendment #2756 printed separate and Schmit amendment #2764 to amendment #2756 printed 1728
Mar. 25 52 Lamb et al pending motion p. 187 withdrawn. Hartnett pending amendments #1546 p. 186 and #2412 p. 1584 withdrawn. Hartnett pending amendment #2756 p. 1728 to committee amendment adopted 1767
Mar. 25 52 Schmit pending amendment #2764 p. 1728 to committee amendment adopted 1770
Mar. 25 52 Haberman request to substitute amendment. Haberman substitute amendment lost. Dierks amendment to committee amendment adopted. Lamb request to substitute amendment. Lamb substitute amendment withdrawn. V. Johnson amendment #2795 to committee amendment ruled not germane. Challenge of Chair lost 1774
Mar. 25 52 Committee amendment #0785 p. 1387, First Session, adopted as amended. Lamb motion to indefinitely postpone lost. Advanced for Review 1781
Mar. 25 52 Campbell and Peterson names added 1783

Mar. 28 53 Hefner name added 1803
Mar. 28 53 Coordsen name added 1814
Mar. 29 54 Placed on Select File - AM5428 1842
Mar. 29 54 Warner-Hartnett amendment #2847 to amendment #2756 printed 1876
Apr. 5 57 Schmit name added 2034
Apr. 6 58 AM5428 (E & R) adopted. Warner-Hartnett pending amendment #2847 p. 1876 adopted. Lamb-Morehead amendment #2839 lost. Advanced for Engrossment 2085
Apr. 6 58 Correctly Engrossed 2112
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading 39-8-2 2219
Apr. 8 60 Speaker signed 2232
Apr. 8 60 Presented to Governor (4/8) 2244
Apr. 14 AJ Approved by Governor (4/11) 2285

LEGISLATIVE BILL 641. By Schmit

Jan. 6 1 Title 36
Jan. 21 10 Schmit amendment #1707 printed 440
Jan. 21 10 Schmit pending amendment #1707 p. 440 ruled not germane. Schmit challenge of Chair pending 442
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 644. By Baack, Scofield, Lamb

Jan. 6 1 Title 36
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 646. By Marsh

Jan. 6 1 Title 36
Jan. 21 10 Committee amendment #0559 p. 1050, First Session, adopted. Advanced for Review 415
Jan. 22 11 Placed on Select File - AM5289 449
Feb. 4 20 AM5289 (E & R) adopted. Advanced for Engrossment 672
Feb. 9 23 Correctly Engrossed 738
Feb. 19 29 Final Reading 40-0-9 908
Feb. 19 29 President signed 913
Feb. 19 29 Presented to Governor (2/19) 917
Feb. 25 33 Approved by Governor (2/24) 1026

LEGISLATIVE BILL 647. By Nelson, Wesely

Jan.	6	1	Title	36
Jan.	14	7	Advanced for Review	327
Jan.	20	9	Placed on Select File	375
Feb.	16	26	Nelson amendment #2007 printed	829
Mar.	3	38	Nelson pending amendment #2007 p. 829 adopted. Advanced for Engrossment	1162
Mar.	8	40	Correctly Engrossed	1257
Mar.	31	56	Final Reading 35-6-8	1951
Mar.	31	56	Speaker signed	1973
Mar.	31	56	Presented to Governor (3/31)	1979
Apr.	6	58	Returned by Governor without approval (4/6)	2106
Apr.	6	58	Wesely-Nelson motion to override veto laid over	2146
Apr.	8	60	Wesely-Nelson pending motion to override veto failed 25-24-0	2269

LEGISLATIVE BILL 647A. By Nelson, Wesely

Jan.	6	1	Title	36
Jan.	14	7	Advanced for Review	328
Jan.	20	9	Placed on Select File - AM5273	376
Mar.	3	38	AM5273 (E & R) adopted. Nelson amendment #2333 adopted. Advanced for Engrossment	1163
Mar.	8	40	Correctly Engrossed	1257
Mar.	8	40	ER0266 change	1260
Mar.	31	56	Final Reading 33-9-7	1951
Mar.	31	56	Speaker signed	1973
Mar.	31	56	Presented to Governor (3/31)	1979
Apr.	6	58	Returned by Governor without approval (4/6)	2106
Apr.	6	58	Wesely-Nelson motion to override veto laid over	2146

LEGISLATIVE BILL 648. By Wesely

Jan.	6	1	Title	37
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 651. By Rupp

Jan.	6	1	Title	37
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 654. By Pappas, Labedz

Jan. 6 1 Title 37
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 655. By Goodrich

Jan. 6 1 Title 37
Feb. 19 29 Nebraska Retirement Systems
Committee priority bill 923
Feb. 26 34 Placed on General File - Com am #2202 1046
Mar. 11 42 Attorney General's Opinion #88022 to Haberman 1350
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 657. By Goodrich

Jan. 6 1 Title 37
Feb. 5 21 Goodrich amendment printed 714
Feb. 19 29 Goodrich priority bill 923
Feb. 23 31 Goodrich pending amendment p. 714
adopted. Advanced for Review 946
Feb. 26 34 Placed on Select File - AM5345 1040
Mar. 2 37 AM5345 (E & R) adopted.
Advanced for Engrossment 1127
Mar. 7 39 Correctly Engrossed. ER0271 change 1217
Mar. 10 41 Lynch motion to suspend rules prevailed.
Final Reading 44-0-5 1296
Mar. 10 41 Speaker signed 1303
Mar. 10 41 Presented to Governor (3/10) 1305
Mar. 14 43 Approved by Governor (3/14) 1381

LEGISLATIVE BILL 658. By Schmit, Harris, Nelson, Miller, Pappas

Jan. 6 1 Title 37
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 664. By Schmit, Rogers, Morehead, Chambers

Jan. 6 1 Title 38
Jan. 7 2 Committee amendment #0737 p. 1307,
First Session, adopted.
Failed to advance for Review 198
Feb. 22 30 Miller-R. Johnson-Baack-Moore
amendment #2112 printed separate 931
Feb. 23 31 Schmit amendment #2162 to pending
amendment #2112 ruled not germane.

Schmit amendment lost. Miller et al pending amendment #2112 p. 931 adopted. Advanced for Review 948
Feb. 26 34 Placed on Select File - AM5342 1040
Mar. 2 37 AM5342 (E & R) adopted. Advanced for Engrossment 1127
Mar. 7 39 Correctly Engrossed 1217
Mar. 8 40 Morehead name withdrawn 1270
Mar. 10 41 Moore-Baack-Miller amendment #2438 printed 1310
Mar. 16 45 Miller amendment #2579 printed 1425
Mar. 29 54 Schmit-Miller-Remmers-R. Johnson amendment #2821 printed 1866
Apr. 5 57 Moore-Baack-Miller pending amendment #2438 p. 1310, Miller pending amendment #2579 p. 1425 and Schmit et al pending amendment #2821 p. 1866 withdrawn. Returned to Select File for Schmit et al amendment. Schmit-Miller-Remmers-R. Johnson amendment #2933 adopted. Advanced for Re-Engrossment 2014
Apr. 5 57 Chambers name withdrawn 2020
Apr. 5 57 Correctly Re-Engrossed. ER0316 change 2043
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading 39-2-8 2161
Apr. 7 59 Speaker signed 2168
Apr. 7 59 Presented to Governor (4/7) 2169
Apr. 8 60 Approved by Governor (4/8) 2244

LEGISLATIVE BILL 664A. By Schmit

Jan. 6 1 Title 38
Feb. 23 31 Advanced for Review 950
Feb. 26 34 Placed on Select File - AM5343 1041
Mar. 2 37 AM5343 (E & R) adopted. Advanced for Engrossment 1127
Mar. 7 39 Correctly Engrossed 1217
Mar. 10 41 Moore-Baack-Miller amendment #2439 printed 1312
Apr. 5 57 Returned to Select File for Baack et al amendment. Moore-Baack-Miller pending amendment #2439 p. 1312 adopted. Advanced for Re-Engrossment 2019
Apr. 5 57 Correctly Re-Engrossed 2043

Apr. 5 57 ER0317 change 2044
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading w/E 43-0-6 2162
Apr. 7 59 Speaker signed 2168
Apr. 7 59 Presented to Governor (4/7) 2169
Apr. 8 60 Approved by Governor (4/8) 2244

LEGISLATIVE BILL 666. By Chizek

Jan. 6 1 Title 38
Jan. 14 7 Committee amendment #0474 p. 944, First Session, lost as amended by Baack amendment. Abboud amendment #1666 adopted. Advanced for Review 328
Jan. 20 9 Placed on Select File - AM5279 376
Jan. 22 11 AM5279 (E & R) adopted. Advanced for Engrossment 455
Jan. 26 13 Correctly Engrossed 513
Feb. 1 17 Final Reading 43-0-6 601
Feb. 1 17 Speaker signed 607
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 668. By Goodrich

Jan. 6 1 Title 38
Feb. 8 22 Indefinitely postponed 733

LEGISLATIVE BILL 670. By Chambers

Jan. 6 1 Title 38
Jan. 22 11 Committee amendment #0697 p. 1228, First Session, adopted. Advanced for Review 464
Jan. 25 12 Placed on Select File 488
Jan. 27 14 Advanced for Engrossment 526
Jan. 28 15 Correctly Engrossed 548
Feb. 5 21 Final Reading 41-0-8 709
Feb. 5 21 President signed 712
Feb. 8 22 Presented to Governor (2/5) 722
Feb. 11 25 Approved by Governor (2/10) 799

LEGISLATIVE BILL 672. By Chambers

Jan. 6 1 Title 39
Jan. 26 13 Placed on General File 508

Mar.	1	36	Advanced for Review	1104
Mar.	2	37	Placed on Select File - AM5354	1132
Mar.	2	37	Chambers amendment #2304 printed	1137
Mar.	7	39	AM5354 (E & R) adopted. Chambers pending amendment #2304 p. 1137 withdrawn. Advanced for Engrossment	1219
Mar.	8	40	Correctly Engrossed	1280
Mar.	25	52	Returned to Select File for Chambers amendment. Chambers reoffered amendment #2304 p. 1137, adopted. Advanced for Re-Engrossment	1739
Mar.	28	53	Correctly Re-Engrossed. ER0293 change	1810
Apr.	6	58	Final Reading 42-0-7	2131
Apr.	6	58	Speaker signed	2134
Apr.	7	59	Presented to Governor (4/7)	2147
Apr.	8	60	Returned by Governor without approval (4/8)	2240
Apr.	8	60	Chambers motion to override veto failed 23-22-4	2273

LEGISLATIVE BILL 673. By Chambers

Jan.	6	1	Title	39
Jan.	12	5	Chambers amendment #1609 printed	274
Jan.	22	11	Chambers pending amendment #1609 p. 274 adopted. Advanced for Review	457
Jan.	25	12	Placed on Select File - AM5295	487
Jan.	27	14	AM5295 (E & R) adopted. Advanced for Engrossment	525
Jan.	28	15	Correctly Engrossed	548
Mar.	31	56	Final Reading 44-0-5	1952
Mar.	31	56	Speaker signed	1973
Mar.	31	56	Presented to Governor (3/31)	1979
Apr.	7	59	Approved by Governor (4/6)	2173

LEGISLATIVE BILL 673A. By Chambers

Jan.	6	1	Title	39
Jan.	22	11	Chambers amendment #1571 adopted. Advanced for Review	457
Jan.	25	12	Placed on Select File - AM5296	487
Jan.	27	14	AM5296 (E & R) adopted. Advanced for Engrossment	525
Jan.	28	15	Correctly Engrossed	548
Mar.	31	56	Final Reading 44-0-5	1953
Mar.	31	56	Speaker signed	1973

Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 7 59 Approved by Governor (4/6) 2173

LEGISLATIVE BILL 674. By Chambers

Jan. 6 1 Title 39
Jan. 7 2 Barrett name added 177
Jan. 22 11 Chambers amendment adopted.
Advanced for Review 463
Jan. 25 12 Placed on Select File - AM5297 487
Jan. 27 14 AM5297 (E & R) adopted.
Advanced for Engrossment 526
Jan. 28 15 Correctly Engrossed 548
Feb. 5 21 Final Reading 41-1-7 710
Feb. 5 21 President signed 712
Feb. 8 22 Presented to Governor (2/5) 722
Feb. 11 25 Approved by Governor (2/10) 799

LEGISLATIVE BILL 675. By Chambers

Jan. 6 1 Title 39
Jan. 8 3 Schmit motion to indefinitely
postpone laid over 223
Mar. 10 41 Schmit pending motion p. 223 withdrawn.
Hefner-Abboud motion to indefinitely
postpone laid over 1323
Mar. 30 55 Hall motion to bracket until 4/8/88
lost. Higgins motion to overrule
Speaker's agenda prevailed. Ashford
motion to suspend rules prevailed.
Hefner-Abboud pending motion p. 1323
lost. Failed to advance for Review 1889
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 676. By Chambers

Jan. 6 1 Title 40
Jan. 21 10 Committee amendment #0579 p. 1159, First
Session, adopted. Advanced for Review 441
Jan. 22 11 Placed on Select File - AM5293 476
Jan. 27 14 AM5293 (E & R) adopted.
Advanced for Engrossment 525
Jan. 28 15 Correctly Engrossed 548
Feb. 5 21 Final Reading 42-0-7 711

Feb. 5 21 President signed 712
Feb. 8 22 Presented to Governor (2/5) 722
Feb. 11 25 Approved by Governor (2/10) 799

LEGISLATIVE BILL 678. By Urban Affairs Committee

Jan. 6 1 Title 40
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 684. By L. Johnson, Warner, Moore

Jan. 6 1 Title 40
Mar. 23 50 Warner amendment #2724 printed 1668
Mar. 25 52 Warner-Wesely-Ashford amendment #2782 printed 1770
Mar. 29 54 Warner pending amendment #2724 p. 1668 withdrawn. Warner motion to suspend rules prevailed. Returned to Select File for Warner et al amendment. Warner-Wesely-Ashford pending amendment #2782 p. 1770 adopted. Advanced for Re-Engrossment 1837
Mar. 30 55 Correctly Re-Engrossed 1919
Mar. 30 55 ER0296 change 1921
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading 44-0-5 2152
Apr. 7 59 Speaker signed 2168
Apr. 7 59 Presented to Governor (4/7) 2169
Apr. 8 60 Approved by Governor (4/7) 2243

LEGISLATIVE BILL 686. By Wesely, Marsh, Harris

Jan. 6 1 Title 40
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 691. By Wesely

Jan. 6 1 Title 40
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 693. By Wesely

Jan. 6 1 Title 40
Jan. 11 4 Committee amendment #0746 p. 1318, First Session, lost. Wesely amendment

#1586 (printed separate) adopted. Advanced for Review 250
Jan. 12 5 Placed on Select File - AM5245 286
Jan. 25 12 Lynch amendment #1656 to amendment #1586 printed 486
Jan. 29 16 Wesely amendment #1802 printed 563
Feb. 1 17 AM5245 (E & R) adopted. Lynch amendment to Lynch pending amendment #1656 adopted 622
Feb. 4 20 Lynch amendment to pending Lynch amendment adopted. Lynch pending amendment #1656 p. 486 adopted as amended. Wesely pending amendment #1802 p. 563 and Lynch amendment #1892 adopted. Advanced for Engrossment 670
Feb. 9 23 Correctly Engrossed. ER0238 change 738
Feb. 19 29 Final Reading 43-0-6 909
Feb. 19 29 President signed 913
Feb. 19 29 Presented to Governor (2/19) 917
Feb. 25 33 Approved by Governor (2/24) 1026

LEGISLATIVE BILL 693A. By Wesely

Jan. 6 1 Title 41
Jan. 11 4 Advanced for Review 251
Jan. 12 5 Placed on Select File - AM5246 286
Feb. 4 20 AM5246 (E & R) adopted. Advanced for Engrossment 671
Feb. 5 21 Correction 688
Feb. 9 23 Correctly Engrossed 738
Feb. 19 29 Final Reading 42-0-7 910
Feb. 19 29 President signed 913
Feb. 19 29 Presented to Governor (2/19) 917
Feb. 25 33 Approved by Governor (2/24) 1026

LEGISLATIVE BILL 694. By Wesely

Jan. 6 1 Title 41
Feb. 1 17 Indefinitely postponed 627

LEGISLATIVE BILL 697. By Pirsch

Jan. 6 1 Title 41
Jan. 11 4 Committee amendment #0587 p. 1108, First Session, adopted.

Advanced for Review 250
Jan. 12 5 Placed on Select File - AM5243 285
Jan. 20 9 AM5243 (E & R) adopted.
Advanced for Engrossment 380
Jan. 25 12 Correctly Engrossed 490
Jan. 25 12 ER0226 change 493
Feb. 1 17 Final Reading 40-0-9 599
Feb. 1 17 Speaker signed 607
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 700. By Goodrich, Remmers, Schmit, Conway

Jan. 6 1 Title 41
Jan. 22 11 Placed on General File - Com am #1548 465
Feb. 19 29 Banking, Commerce and Insurance
Committee priority bill 907
Mar. 31 56 Committee amendment #1548 adopted.
Advanced for Review 1973
Apr. 5 57 Placed on Select File - AM5437 1996
Apr. 6 58 AM5437 (E & R) adopted.
Advanced for Engrossment 2082
Apr. 6 58 Correctly Engrossed 2091
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading 49-0-0 2220
Apr. 8 60 Speaker signed 2232
Apr. 8 60 Presented to Governor (4/8) 2244
Apr. 14 AJ Approved by Governor (4/11) 2286

LEGISLATIVE BILL 702. By Pappas, Haberman

Jan. 6 1 Title 42
Jan. 21 10 Passed over 442
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 703. By Pappas

Jan. 6 1 Title 42
Jan. 7 2 Hall name added 185
Jan. 7 2 Committee amendment #0527 p. 1029,
First Session, adopted. Schmit pending
amendment #1256 p. 2085, Pappas
pending amendments #0674 p. 1202,
and #1257 p. 2087, First Session,
withdrawn. Hefner motion to

			indefinitely postpone laid over	190
Jan.	11	4	Schmit amendment printed	265
Jan.	28	15	Hefner pending motion p. 190 withdrawn. Schmit pending amendment p. 265 lost. Conway motion to indefinitely postpone laid over	544
Feb.	23	31	Schmit amendment #2036 printed	959
Mar.	8	40	Schmit-Landis-Conway-Lynch-Haberman-Weihing-Goodrich-Hall amendment #2157 printed	1276
Mar.	10	41	Conway pending motion p. 545 withdrawn. Schmit pending amendment #2036 p. 959 withdrawn. Schmit et al pending amendment #2157 p. 1276 adopted as amended by Schmit amendment. Advanced for Review	1323
Mar.	11	42	Placed on Select File - AM5398	1337
Mar.	11	42	Landis amendment #2510 to amendment #2157 printed	1338
Mar.	11	42	Remmers amendment #2517 to amendment #2157 printed	1343
Mar.	30	55	AM5398 (E & R) adopted. Landis pending amendment #2510 p. 1338 and Remmers pending amendment #2517 p. 1343 adopted. Advanced for Engrossment	1927
Apr.	5	57	Correctly Engrossed	1999
Apr.	5	57	ER0306 change	2000
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Final Reading w/E 42-0-7	2163
Apr.	7	59	Speaker signed	2168
Apr.	7	59	Presented to Governor (4/7)	2169
Apr.	8	60	Approved by Governor (4/7)	2243

LEGISLATIVE BILL 705. By Schmit, Withem, Hartnett

Jan.	6	1	Title	42
Jan.	19	8	Committee amendment #0555 p. 1020, First Session, adopted. Advanced for Review	349
Jan.	20	9	Placed on Select File	399
Jan.	22	11	Advanced for Engrossment	456
Jan.	22	11	Abboud name added	481
Jan.	27	14	Correctly Engrossed	519
Feb.	2	18	Final Reading 40-3-6	639
Feb.	2	18	Speaker signed	642
Feb.	2	18	Presented to Governor (2/2)	646

Feb. 9 23 Approved by Governor (2/8) 739

LEGISLATIVE BILL 706. By R. Johnson

Jan. 6 1 Title 42
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 707. By Schmit

Jan. 6 1 Title 42
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 713. By Lynch

Jan. 6 1 Title 42
Jan. 12 5 Committee amendment #0307 p. 787, First Session, adopted as amended by Barrett amendment. Lynch amendment adopted. Advanced for Review 273
Jan. 19 8 Placed on Select File - AM5255 344
Jan. 20 9 AM5255 (E & R) adopted. Advanced for Engrossment 389
Jan. 25 12 Correctly Engrossed 490
Feb. 1 17 Final Reading w/E 40-0-9 600
Feb. 1 17 Speaker signed 607
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 716. By Hall, Rupp

Jan. 6 1 Title 43
Mar. 7 39 Hall amendment #2390 printed separate 1248
Mar. 15 44 Hall amendment #2575 to amendment #2390 printed 1395
Mar. 25 52 Barrett-Hall amendment #2590 to amendment #2390 printed 1759
Mar. 29 54 Committee amendment #1372 p. 2338, First Session, lost. Hall pending amendment #2575 p. 1395 withdrawn. Hall pending amendment #2390 p. 1248 adopted as amended by Barrett-Hall pending amendment #2590 p. 1759. Chambers pending motion p. 2351, First Session, withdrawn. Barrett pending amendment #1433 p. 2406,

First Session, withdrawn.
Advanced for Review 1846
Mar. 30 55 Placed on Select File - AM5432 1896
(printed separate)
Mar. 31 56 Hall-Landis amendment #2916 to AM5432
printed 1989
Apr. 6 58 AM5432 (E & R) adopted. Hall-Landis
pending amendment #2916 p. 1989
and Warner amendment adopted.
Advanced for Engrossment 2094
Apr. 6 58 Correctly Engrossed 2127
Apr. 6 58 ER0325 change 2128
Apr. 7 59 Correction 2147
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading 48-0-1 2221
Apr. 8 60 Speaker signed 2232
Apr. 8 60 Presented to Governor (4/8) 2244
Apr. 14 AJ Approved by Governor (4/11) 2286

LEGISLATIVE BILL 716A. By Hall

Jan. 6 1 Title 43
Mar. 29 54 Advanced for Review 1847
Mar. 30 55 Placed on Select File - AM5433 1896
Mar. 30 55 Hall amendment #2906 printed 1938
Apr. 5 57 Labedz amendment #2955 printed 2048
Apr. 6 58 AM5433 (E & R) adopted. Hall
pending amendment #2906 p. 1938
withdrawn. Labedz motion to suspend
rules prevailed. Labedz pending
amendment #2955 p. 2048 adopted.
Advanced for Engrossment 2095
Apr. 6 58 Correctly Engrossed 2127
Apr. 6 58 ER0324 change 2128
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Wesely motion to return to Select
File for amendment withdrawn.
Final Reading 28-13-8 2222
Apr. 8 60 Speaker signed 2232
Apr. 8 60 Presented to Governor (4/8) 2244
Apr. 14 AJ Returned by Governor without approval (4/13) . 2303
Apr. 14 AJ Attorney General's Opinion to Governor 2304

LEGISLATIVE BILL 717. By Harris

Jan. 6 1 Title 43
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 723. By Schmit, Elmer

Jan. 6 1 Title 43
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 723A. By Schmit, Elmer

Jan. 6 1 Title 43
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 724. By V. Johnson

Jan. 6 1 Title 44
Mar. 3 38 Indefinitely postponed 1144

LEGISLATIVE BILL 726. By V. Johnson

Jan. 6 1 Title 44
Feb. 22 30 Withem motion to indefinitely postpone withdrawn. Schmit amendment #2122 ruled not germane. Lamb motion to indefinitely postpone prevailed 926

LEGISLATIVE BILL 726A. By V. Johnson

Jan. 6 1 Title 44
Mar. 1 36 Barrett motion to indefinitely postpone prevailed 1095

LEGISLATIVE BILL 733. By L. Johnson

Jan. 6 1 Title 44
Mar. 3 38 Indefinitely postponed 1144

LEGISLATIVE BILL 734. By V. Johnson

Jan. 6 1 Title 44
Jan. 28 15 Indefinitely postponed 547

LEGISLATIVE BILL 735. By Schmit, Warner, Lamb, Labedz

Jan. 6 1 Title 45

Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 749. By Harris

Jan. 6 1 Title 45
Feb. 5 21 Indefinitely postponed 714

LEGISLATIVE BILL 750. By Wesely, Chambers

Jan. 6 1 Title 45
Feb. 11 25 Indefinitely postponed 812

LEGISLATIVE BILL 751. By Schmit, Baack

Jan. 6 1 Title 45
Feb. 9 23 Placed on General File 740
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 757. By Chambers

Jan. 6 1 Title 45
Jan. 8 3 Abboud motion to indefinitely postpone prevailed 216

LEGISLATIVE BILL 757A. By Chambers

Jan. 6 1 Title 46
Mar. 1 36 Chambers pending amendment #0999 p. 1734, First Session, withdrawn. Barrett motion to indefinitely postpone prevailed 1096

LEGISLATIVE BILL 758. By Lamb

Jan. 6 1 Title 46
Jan. 27 14 Committee amendment #0736 p. 1307, First Session, adopted. Advanced for Review 536
Jan. 29 16 Placed on Select File - AM5304 572
Feb. 4 20 AM5304 (E & R) adopted. Advanced for Engrossment 672
Feb. 9 23 Correctly Engrossed 738
Feb. 19 29 Final Reading 43-0-6 911
Feb. 19 29 President signed 913
Feb. 19 29 Presented to Governor (2/19) 917
Feb. 25 33 Approved by Governor (2/24) 1026

LEGISLATIVE BILL 760. By V. Johnson, Hall

Jan.	6	1	Title	46
Jan.	28	15	Notice of hearing (2/11) (rehearing)	541
Jan.	28	15	V. Johnson-Hall amendment #1762 printed separate	544
Mar.	31	56	Placed on General File - Com am #2890 (on file)	1992
Apr.	8	60	Indefinitely postponed	2282

LEGISLATIVE BILL 761. By Schmit, R. Johnson, Pappas, Lamb, Rupp

Jan.	6	1	Title	46
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 762. By Speaker Barrett at request of Governor

Jan.	6	1	Title	46
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 764. By Speaker Barrett at request of Governor

Jan.	6	1	Title	47
Feb.	19	29	Appropriations Committee priority bill	907
Feb.	24	32	Placed on General File - Com am #2148	976
Mar.	17	46	Warner amendment #2620 to committee amendment printed	1498
Mar.	18	47	Committee amendment #2148 adopted as amended by Warner pending amendment #2620 p. 1498. Advanced for Review	1515
Mar.	22	49	Placed on Select File - AM5414	1603
Mar.	25	52	AM5414 (E & R) adopted. Wesely motion to indefinitely postpone withdrawn. Advanced for Engrossment	1752
Mar.	25	52	Correctly Engrossed	1781
Mar.	31	56	Wesely motion to return to Select File withdrawn. Failed on Final Reading w/E 30-12-7	1967
Mar.	31	56	Final Reading 30-11-8	1968
Mar.	31	56	Correctly Enrolled	1972
Mar.	31	56	Speaker signed	1973
Mar.	31	56	Presented to Governor (3/31)	1979
Apr.	7	59	Approved by Governor (4/6)	2173

LEGISLATIVE BILL 764A. By Warner

Mar.	17	46	Read first time. Placed on General File	1495
Mar.	21	48	Advanced for Review	1537
Mar.	22	49	Placed on Select File	1604
Mar.	25	52	Advanced for Engrossment	1752
Mar.	25	52	Correctly Engrossed	1781
Mar.	31	56	Final Reading 32-8-9	1969
Mar.	31	56	Speaker signed	1973
Mar.	31	56	Presented to Governor (3/31)	1979
Apr.	7	59	Approved by Governor (4/6)	2173

LEGISLATIVE BILL 766. By Speaker Barrett at request of Governor

Jan.	6	1	Title	47
Jan.	26	13	Placed on General File - Com am #1561	502
Feb.	22	30	Speaker Barrett priority bill	931
Mar.	23	50	Committee amendment #1561 adopted. Advanced for Review	1654
Mar.	25	52	Placed on Select File - AM5422	1765
Mar.	31	56	AM5422 (E & R) adopted. Advanced for Engrossment	1989
Apr.	5	57	Correctly Engrossed	1999
Apr.	5	57	ER0313 change	2001
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Final Reading w/E 44-0-5	2164
Apr.	7	59	Speaker signed	2168
Apr.	7	59	Presented to Governor (4/7)	2174
Apr.	8	60	Approved by Governor (4/7)	2243

LEGISLATIVE BILL 766A. By Barrett

Feb.	11	25	Read first time. Placed on General File	794
Mar.	3	38	Barrett-Warner amendment #2357 printed	1159
Mar.	23	50	Barrett-Warner pending amendment #2357 p. 1159 adopted. Advanced for Review	1655
Mar.	25	52	Placed on Select File	1765
Mar.	31	56	Advanced for Engrossment	1989
Apr.	5	57	Correctly Engrossed	1999
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Final Reading w/E 43-0-6	2165
Apr.	7	59	Speaker signed	2168
Apr.	7	59	Presented to Governor (4/7)	2174
Apr.	8	60	Approved by Governor (4/7)	2243

LEGISLATIVE BILL 770. By Speaker Barrett at request of Governor

Jan.	6	1	Title	47
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 788. By Executive Board

Jan.	6	1	Read first time	107
Jan.	7	2	Placed on General File	196
Jan.	13	6	Advanced for Review	310
Jan.	19	8	Placed on Select File	357
Jan.	22	11	Advanced for Engrossment	453
Jan.	25	12	Correctly Engrossed	500
Jan.	29	16	Final Reading 47-0-2	577
Jan.	29	16	President signed	589
Feb.	1	17	Presented to Governor (1/29)	597
Feb.	3	19	Approved by Governor (2/3)	664

LEGISLATIVE BILL 789. By Executive Board

Jan.	6	1	Read first time	107
Jan.	7	2	Placed on General File	196
Jan.	13	6	Advanced for Review	310
Jan.	19	8	Placed on Select File	357
Jan.	22	11	Advanced for Engrossment	453
Jan.	25	12	Correctly Engrossed	500
Jan.	29	16	Final Reading 46-0-3	577
Jan.	29	16	President signed	589
Feb.	1	17	Presented to Governor (1/29)	597
Feb.	3	19	Approved by Governor (2/3)	664

LEGISLATIVE BILL 790. By Executive Board

Jan.	6	1	Read first time	107
Jan.	7	2	Placed on General File	196
Jan.	13	6	Advanced for Review	310
Jan.	19	8	Placed on Select File - AM5263	357
Jan.	22	11	AM5263 (E & R) adopted. Advanced for Engrossment	453
Jan.	25	12	Correctly Engrossed	500
Feb.	1	17	Returned to Select File for Labedz amendment. Labedz amendment #1805 adopted. Advanced for Re-Engrossment	613
Feb.	2	18	Correctly Re-Engrossed	629

Feb. 8 22 Final Reading 36-0-13 725
Feb. 8 22 Speaker signed 729
Feb. 8 22 Presented to Governor (2/8) 730
Feb. 8 22 Hefner explanation of vote 735
Feb. 11 25 Approved by Governor (2/10) 798

LEGISLATIVE BILL 791. By Executive Board

Jan. 6 1 Read first time 108
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 310
Jan. 19 8 Placed on Select File 361
Jan. 22 11 Advanced for Engrossment 453
Jan. 25 12 Correctly Engrossed 500
Jan. 29 16 Final Reading 45-0-4 578
Jan. 29 16 President signed 589
Feb. 1 17 Presented to Governor (1/29) 597
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 792. By Executive Board

Jan. 6 1 Read first time 108
Jan. 7 2 Placed on General File 196
Jan. 12 5 Rogers name added 275
Jan. 13 6 Rogers name withdrawn 299
Jan. 13 6 Advanced for Review 310
Jan. 19 8 Placed on Select File - AM5260 361
Jan. 22 11 AM5260 (E & R) adopted.
Advanced for Engrossment 453
Jan. 25 12 Correctly Engrossed 500
Jan. 29 16 Final Reading 46-0-3 579
Jan. 29 16 President signed 589
Feb. 1 17 Presented to Governor (1/29) 597
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 793. By Executive Board

Jan. 6 1 Read first time 108
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 310
Jan. 19 8 Placed on Select File 361
Jan. 22 11 Advanced for Engrossment 453
Jan. 25 12 Correctly Engrossed 500
Jan. 29 16 Final Reading 46-0-3 580
Jan. 29 16 President signed 589

Feb. 1 17 Presented to Governor (1/29) 597
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 794. By Executive Board

Jan. 6 1 Read first time 108
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 310
Jan. 19 8 Placed on Select File 361
Jan. 22 11 Advanced for Engrossment 453
Jan. 25 12 Correctly Engrossed 500
Jan. 29 16 Final Reading 46-0-3 581
Jan. 29 16 President signed 589
Feb. 1 17 Presented to Governor (1/29) 597
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 795. By Executive Board

Jan. 6 1 Read first time 108
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 310
Jan. 19 8 Placed on Select File - AM5264 361
Jan. 22 11 AM5264 (E & R) adopted.
Advanced for Engrossment 453
Jan. 25 12 Correctly Engrossed 500
Jan. 29 16 Final Reading 46-0-3 582
Jan. 29 16 President signed 589
Feb. 1 17 Presented to Governor (1/29) 597
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 796. By Executive Board

Jan. 6 1 Read first time 109
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 311
Jan. 19 8 Placed on Select File 362
Jan. 22 11 Advanced for Engrossment 453
Jan. 25 12 Correctly Engrossed 500
Jan. 29 16 Final Reading 46-0-3 583
Jan. 29 16 President signed 589
Feb. 1 17 Presented to Governor (1/29) 597
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 797. By Executive Board

Jan. 6 1 Read first time 109
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 311
Jan. 19 8 Placed on Select File 362
Jan. 22 11 Advanced for Engrossment 453
Jan. 25 12 Correctly Engrossed 500
Jan. 29 16 Final Reading 45-0-4 583
Jan. 29 16 President signed 589
Feb. 1 17 Presented to Governor (1/29) 597
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 798. By Executive Board

Jan. 6 1 Read first time 109
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 311
Jan. 19 8 Placed on Select File 362
Jan. 22 11 Advanced for Engrossment 453
Jan. 25 12 Correctly Engrossed 500
Jan. 29 16 Final Reading 46-0-3 584
Jan. 29 16 President signed 589
Feb. 1 17 Presented to Governor (1/29) 597
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 799. By Executive Board

Jan. 6 1 Read first time 110
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 311
Jan. 19 8 Placed on Select File 362
Jan. 22 11 Advanced for Engrossment 453
Jan. 25 12 Correctly Engrossed 500
Jan. 29 16 Final Reading 46-0-3 585
Jan. 29 16 President signed 589
Feb. 1 17 Presented to Governor (1/29) 597
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 800. By Executive Board

Jan. 6 1 Read first time 110
Jan. 7 2 Placed on General File 196
Jan. 13 6 Labedz amendment #1646 adopted.
Advanced for Review 311
Jan. 19 8 Placed on Select File - AM5261 362

Jan. 22 11 AM5261 (E & R) adopted.
Advanced for Engrossment 454
Jan. 26 13 Correctly Engrossed 513
Feb. 1 17 Final Reading 42-0-7 602
Feb. 1 17 Speaker signed 607
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 801. By Executive Board

Jan. 6 1 Read first time 110
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 311
Jan. 19 8 Placed on Select File - AM5262 362
Jan. 22 11 AM5262 (E & R) adopted.
Advanced for Engrossment 454
Jan. 26 13 Correctly Engrossed 513
Feb. 1 17 Final Reading 43-0-6 603
Feb. 1 17 Speaker signed 607
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 802. By Executive Board

Jan. 6 1 Read first time 110
Jan. 7 2 Placed on General File 196
Jan. 12 5 Labedz amendment #1616 printed 292
Jan. 13 6 Labedz pending amendment #1616 p. 292
adopted. Advanced for Review 311
Jan. 20 9 Placed on Select File - AM5278 371
Jan. 22 11 AM5278 (E & R) adopted.
Advanced for Engrossment 454
Jan. 26 13 Correctly Engrossed. ER0232 change 513
Feb. 5 21 Final Reading 43-0-6 706
Feb. 5 21 President signed 712
Feb. 8 22 Presented to Governor (2/5) 722
Feb. 11 25 Approved by Governor (2/10) 799

LEGISLATIVE BILL 803. By Executive Board

Jan. 6 1 Read first time 111
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 312
Jan. 20 9 Placed on Select File 373
Jan. 22 11 Advanced for Engrossment 454

Jan. 26 13 Correctly Engrossed 513
Feb. 1 17 Final Reading 43-0-6 604
Feb. 1 17 Speaker signed 607
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 804. By Executive Board

Jan. 6 1 Read first time 111
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 312
Jan. 20 9 Placed on Select File 373
Jan. 22 11 Advanced for Engrossment 454
Jan. 26 13 Correctly Engrossed 513
Feb. 1 17 Final Reading 44-0-5 604
Feb. 1 17 Speaker signed 607
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 805. By Executive Board

Jan. 6 1 Read first time 111
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 312
Jan. 20 9 Placed on Select File - AM5265 373
Jan. 22 11 AM5265 (E & R) adopted.
Advanced for Engrossment 454
Jan. 26 13 Correctly Engrossed 513
Feb. 1 17 Final Reading 44-0-5 605
Feb. 1 17 Speaker signed 607
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 806. By Executive Board

Jan. 6 1 Read first time 111
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 312
Jan. 20 9 Placed on Select File 373
Jan. 22 11 Advanced for Engrossment 454
Jan. 26 13 Correctly Engrossed 513
Feb. 1 17 Final Reading 44-0-5 606
Feb. 1 17 Speaker signed 607
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 807. By Executive Board

Jan.	6	1	Read first time	111
Jan.	7	2	Placed on General File	196
Jan.	13	6	Advanced for Review	312
Jan.	20	9	Placed on Select File - AM5266	373
Jan.	22	11	AM5266 (E & R) adopted. Advanced for Engrossment	454
Jan.	26	13	Correctly Engrossed	513
Feb.	1	17	Final Reading 44-0-5	607
Feb.	1	17	Speaker signed	615
Feb.	1	17	Presented to Governor (2/1)	620
Feb.	3	19	Approved by Governor (2/3)	664

LEGISLATIVE BILL 808. By Executive Board

Jan.	6	1	Read first time	112
Jan.	7	2	Placed on General File	196
Jan.	13	6	Advanced for Review	312
Jan.	20	9	Placed on Select File	373
Jan.	22	11	Advanced for Engrossment	454
Jan.	26	13	Correctly Engrossed	513
Feb.	1	17	Final Reading 44-0-5	608
Feb.	1	17	Speaker signed	615
Feb.	1	17	Presented to Governor (2/1)	620
Feb.	3	19	Approved by Governor (2/3)	664

LEGISLATIVE BILL 809. By Executive Board

Jan.	6	1	Read first time	112
Jan.	7	2	Placed on General File	196
Jan.	13	6	Advanced for Review	312
Jan.	20	9	Placed on Select File	373
Jan.	22	11	Advanced for Engrossment	454
Jan.	26	13	Correctly Engrossed	513
Feb.	1	17	Final Reading 45-0-4	608
Feb.	1	17	Speaker signed	615
Feb.	1	17	Presented to Governor (2/1)	620
Feb.	3	19	Approved by Governor (2/3)	664

LEGISLATIVE BILL 810. By Executive Board

Jan.	6	1	Read first time	112
Jan.	7	2	Placed on General File	196

Jan. 13 6 Advanced for Review 313
Jan. 20 9 Placed on Select File - AM5267 373
Jan. 21 10 Labedz amendment #1677 printed 412
Jan. 22 11 AM5267 (E & R) adopted. Labedz pending amendment #1677 p. 412 adopted. Advanced for Engrossment 454
Jan. 26 13 Correctly Engrossed 513
Feb. 1 17 Final Reading 45-0-4 609
Feb. 1 17 Speaker signed 615
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 811. By Executive Board

Jan. 6 1 Read first time 112
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 313
Jan. 20 9 Placed on Select File 374
Jan. 22 11 Advanced for Engrossment 455
Jan. 26 13 Correctly Engrossed 513
Feb. 1 17 Final Reading 46-0-3 610
Feb. 1 17 Speaker signed 615
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 812. By Executive Board

Jan. 6 1 Read first time 112
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 313
Jan. 20 9 Placed on Select File - AM5268 374
Jan. 22 11 AM5268 (E & R) adopted. Advanced for Engrossment 455
Jan. 26 13 Correctly Engrossed 513
Feb. 1 17 Final Reading 46-0-3 611
Feb. 1 17 Speaker signed 615
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 813. By Executive Board

Jan. 6 1 Read first time 113
Jan. 7 2 Placed on General File 196
Jan. 13 6 Advanced for Review 313
Jan. 20 9 Placed on Select File 374

Jan.	22	11	Advanced for Engrossment	455
Jan.	26	13	Correctly Engrossed	513
Feb.	1	17	Final Reading 46-0-3	612
Feb.	1	17	Speaker signed	615
Feb.	1	17	Presented to Governor (2/1)	620
Feb.	3	19	Approved by Governor (2/3)	664

LEGISLATIVE BILL 814. By Natural Resources Committee

Jan.	6	1	Read first time	113
Jan.	7	2	Referred to Committee on Natural Resources	196
Jan.	13	6	Notice of hearing (1/20)	299
Jan.	21	10	Placed on General File	413
Jan.	22	11	Labedz priority bill	450
Feb.	1	17	Advanced for Review	617
Feb.	2	18	Placed on Select File	631
Feb.	4	20	Advanced for Engrossment	672
Feb.	9	23	Correctly Engrossed	738
Feb.	19	29	Final Reading 34-6-9	912
Feb.	19	29	President signed	913
Feb.	19	29	Presented to Governor (2/19)	917
Feb.	26	34	Approved by Governor (2/25)	1036

LEGISLATIVE BILL 815. By Schmit

Jan.	6	1	Read first time	113
Jan.	7	2	Johanns name added	185
Jan.	7	2	Referred to Committee on Banking, Commerce and Insurance	196
Jan.	14	7	Notice of hearing (1/25)	325
Jan.	28	15	Placed on General File - Com am #1766	554
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 815A. By Schmit

Feb.	2	18	Read first time. Placed on General File	645
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 816. By Schmit

Jan.	6	1	Read first time	113
Jan.	7	2	Referred to Committee on Government, Military and Veteran Affairs	196
Jan.	13	6	Notice of hearing (1/20)	306
Feb.	9	23	Indefinitely postponed	749

LEGISLATIVE BILL 817. By Lamb

Jan.	6	1	Read first time	113
Jan.	7	2	Referred to Committee on Natural Resources	196
Jan.	14	7	Notice of hearing (1/21)	332
Jan.	22	11	Notice of hearing (1/29) (rehearing)	460
Feb.	9	23	Placed on General File - Com am #1850	740
Feb.	22	30	Speaker Barrett priority bill	931
Mar.	1	36	Committee amendment #1850 adopted. Advanced for Review	1116
Mar.	3	38	Lamb amendment printed	1173
Mar.	7	39	Placed on Select File - AM5383	1198
Mar.	8	40	AM5383 (E & R) adopted. Lamb pending amendment p. 1173 withdrawn. Advanced for Engrossment	1266
Mar.	10	41	Correctly Engrossed	1317
Mar.	16	45	Final Reading 43-0-6	1453
Mar.	16	45	Speaker signed	1455
Mar.	16	45	Presented to Governor (3/16)	1458
Mar.	17	46	Approved by Governor (3/17)	1502

LEGISLATIVE BILL 818. By Lamb

Jan.	6	1	Read first time	113
Jan.	7	2	Referred to Committee on Transportation	196
Jan.	25	12	Notice of hearing (2/2)	500
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 819. By Elmer

Jan.	6	1	Read first time	114
Jan.	7	2	Referred to Committee on Revenue	196
Jan.	20	9	Notice of hearing (1/27)	378
Jan.	29	16	Placed on General File - Com am #1790	586
Mar.	1	36	Committee amendment #1790 adopted. Advanced for Review	1106
Mar.	3	38	Placed on Select File	1154
Mar.	7	39	Advanced for Engrossment	1220
Mar.	10	41	Correctly Engrossed	1286
Mar.	16	45	Final Reading 42-0-7	1453
Mar.	16	45	Speaker signed	1455
Mar.	16	45	Presented to Governor (3/16)	1458
Mar.	17	46	Approved by Governor (3/17)	1502

LEGISLATIVE BILL 820. By Moore

Jan.	6	1	Read first time	114
Jan.	7	2	Referred to Committee on Transportation	196
Jan.	29	16	Notice of hearing (2/9)	591
Feb.	19	29	Placed on General File - Com am #2058	901
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 821. By Moore

Jan.	6	1	Read first time	114
Jan.	7	2	Referred to Committee on Judiciary	196
Jan.	12	5	Notice of hearing (1/20)	291
Jan.	26	13	Placed on General File	508
Mar.	1	36	Advanced for Review	1104
Mar.	2	37	Chambers name added	1119
Mar.	2	37	Placed on Select File	1141
Mar.	7	39	Advanced for Engrossment	1219
Mar.	8	40	Correctly Engrossed	1280
Mar.	15	44	Final Reading 40-0-9	1401
Mar.	15	44	Speaker signed	1405
Mar.	15	44	Presented to Governor (3/15)	1416
Mar.	17	46	Approved by Governor (3/17)	1502

LEGISLATIVE BILL 822. By Moore

Jan.	6	1	Read first time	114
Jan.	7	2	Referred to Committee on Appropriations	196
Feb.	1	17	Notice of hearing (2/11)	616
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 823. By Moore

Jan.	6	1	Read first time	114
Jan.	7	2	Referred to Committee on Education	196
Jan.	14	7	Notice of hearing (1/25)	332
Jan.	26	13	Placed on General File - Com am #1753	512
Feb.	19	29	Moore priority bill	916
Feb.	24	32	Lamb amendment lost. Committee amendment #1753 adopted. Advanced for Review	972
Feb.	26	34	Placed on Select File	1041
Mar.	2	37	Advanced for Engrossment	1127
Mar.	7	39	Correctly Engrossed	1223
Mar.	10	41	Lynch motion to suspend rules prevailed	1296

Mar. 22 49 Moore amendment #2543 printed 1604
Mar. 29 54 Moore amendment #2851 printed 1863
Mar. 30 55 Landis motion to return to Select File withdrawn. Moore pending amendment #2543 p. 1604 withdrawn. Returned to Select File for Moore amendment. Moore pending amendment #2851 p. 1863 adopted. Advanced for Re-Engrossment 1885
Mar. 31 56 Correctly Re-Engrossed. ER0302 change 1970
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading w/E 33-12-4 2156
Apr. 7 59 Speaker signed 2168
Apr. 7 59 Presented to Governor (4/7) 2169
Apr. 8 60 Returned by Governor without approval (4/8) ... 2241

LEGISLATIVE BILL 824. By Marsh

Jan. 6 1 Read first time 114
Jan. 7 2 Referred to Committee on Transportation 196
Jan. 12 5 Notice of hearing (1/19) 274
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 825. By Elmer, Hefner

Jan. 6 1 Read first time 115
Jan. 7 2 Referred to Committee on Natural Resources 196
Jan. 8 3 Elmer-Hefner motion to withdraw laid over 223
Jan. 11 4 Elmer-Hefner pending motion p. 223 prevailed. Withdrawn 231

LEGISLATIVE BILL 826. By Hefner

Jan. 6 1 Read first time 115
Jan. 7 2 Referred to Committee on Banking, Commerce and Insurance 196
Jan. 29 16 Notice of hearing (2/9) 562
Feb. 11 25 Placed on General File 807
Mar. 1 36 Advanced for Review 1111
Mar. 7 39 Placed on Select File 1194
Mar. 8 40 Advanced for Engrossment 1264
Mar. 10 41 Correctly Engrossed 1317
Mar. 16 45 Returned to Select File for Hefner amendment. Hefner amendment #2599 adopted. Advanced for Re-Engrossment 1454

Mar. 17 46 Correctly Re-Engrossed 1479
Mar. 25 52 Final Reading 46-0-3 1748
Mar. 25 52 President signed 1750
Mar. 25 52 Presented to Governor (3/25) 1764
Mar. 28 53 Approved by Governor (3/28) 1823

LEGISLATIVE BILL 827. By Hefner

Jan. 6 1 Read first time 115
Jan. 7 2 Correction 175
Jan. 7 2 Referred to Committee on General Affairs 197
Jan. 13 6 Nelson name added 320
Jan. 29 16 Notice of hearing (2/8) 565
Feb. 18 28 Indefinitely postponed 894

LEGISLATIVE BILL 828. By Coordsen

Jan. 6 1 Read first time 115
Jan. 7 2 Wehrbein name added 185
Jan. 7 2 Referred to Committee on Government, Military and Veteran Affairs 197
Jan. 13 6 Notice of hearing (1/20) 306
Feb. 2 18 Placed on General File - Com am #1768 640
Feb. 5 21 Committee amendment #1768 adopted. Bernard-Stevens amendment #1921 adopted. Advanced for Review 712
Feb. 9 23 Placed on Select File - AM5315 753
Feb. 18 28 AM5315 (E & R) adopted. Coordsen amendment #1935 adopted. Advanced for Engrossment 888
Feb. 19 29 Coordsen priority bill 923
Feb. 22 30 Correctly Engrossed 932
Feb. 22 30 ER0246 change 933
Feb. 25 33 Final Reading 43-0-6 1010
Feb. 25 33 Speaker signed 1012
Feb. 25 33 Presented to Governor (2/25) 1033
Mar. 2 37 Approved by Governor (3/1) 1117

LEGISLATIVE BILL 829. By Haberman

Jan. 6 1 Read first time 115
Jan. 7 2 Referred to Committee on Revenue 197
Feb. 17 27 Haberman motion to withdraw laid over 872
Feb. 18 28 Haberman pending motion p. 872 prevailed. Withdrawn 877

LEGISLATIVE BILL 830. By Haberman

Jan. 6 1 Read first time 116
Jan. 7 2 Referred to Committee on Banking, Commerce and Insurance 197
Jan. 29 16 Notice of hearing (2/9) 562
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 831. By Rogers

Jan. 6 1 Read first time 116
Jan. 7 2 Referred to Committee on Natural Resources 197
Jan. 13 6 Notice of hearing (1/20) 299
Feb. 9 23 Indefinitely postponed 742

LEGISLATIVE BILL 832. By Rogers

Jan. 6 1 Read first time 116
Jan. 7 2 Referred to Committee on Revenue 197
Jan. 12 5 Notice of hearing (1/21) 291
Jan. 28 15 Placed on General File - Com am #1752 546
Feb. 22 30 Speaker Barrett priority bill 931
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 833. By Beyer

Jan. 6 1 Read first time 116
Jan. 7 2 Referred to Committee on Transportation 197
Jan. 12 5 Notice of hearing (1/19) 274
Feb. 25 33 Placed on General File - Com am #2197 1021
Mar. 2 37 Hartnett name added 1119
Mar. 14 43 Committee amendment #2197 adopted. Advanced for Review 1377
Mar. 15 44 Placed on Select File - AM5405 1422
Mar. 16 45 Lamb-Bernard Stevens amendment #2600 to committee amendment printed 1440
Mar. 30 55 Scofield amendment #2858 to committee amendment printed 1887
Mar. 30 55 AM5405 (E & R) adopted. Lamb-Bernard Stevens pending amendment #2600 p. 1440 and Scofield pending amendment #2858 p. 1887 adopted. Advanced for Engrossment 1933
Apr. 5 57 Correctly Engrossed 1999

Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading w/E 45-1-3 2166
Apr. 7 59 Speaker signed 2168
Apr. 7 59 Presented to Governor (4/7) 2174
Apr. 8 60 Approved by Governor (4/7) 2243

LEGISLATIVE BILL 834. By Beyer

Jan. 6 1 Read first time 116
Jan. 7 2 Referred to Committee on Revenue 197
Jan. 20 9 Notice of hearing (1/27) 378
Jan. 28 15 Placed on General File 546
Mar. 1 36 Advanced for Review 1105
Mar. 3 38 Placed on Select File - AM5357 1153
Mar. 7 39 AM5357 (E & R) adopted.
Advanced for Engrossment 1219
Mar. 8 40 Correctly Engrossed 1280
Mar. 15 44 Final Reading 41-0-8 1402
Mar. 15 44 Speaker signed 1405
Mar. 15 44 Presented to Governor (3/15) 1416
Mar. 17 46 Approved by Governor (3/17) 1502

LEGISLATIVE BILL 835. By Beyer

Jan. 6 1 Read first time 116
Jan. 7 2 Referred to Committee on Education 197
Jan. 28 15 Notice of hearing (2/16) 551
Feb. 17 27 Placed on General File - Com am #2062 872
Feb. 19 29 Beyer priority bill 907
Mar. 11 42 Committee amendment #2062 adopted.
Advanced for Review 1340
Mar. 14 43 Placed on Select File - AM5401 1379
Mar. 21 48 Hartnett-Withem amendment #2665 to
amendment #2608 printed 1568
Mar. 28 53 Hartnett-Beyer-Withem amendment #2815
printed 1821
Mar. 30 55 AM5401 (E & R) adopted. Hartnett-Withem
pending amendment #2665 p. 1568
withdrawn. Hartnett-Beyer-Withem pending
amendment #2815 p. 1821 adopted.
Advanced for Engrossment 1929
Apr. 5 57 Correctly Engrossed 1999
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading w/E 45-0-4 2167
Apr. 7 59 Speaker signed 2168

Apr. 7 59 Presented to Governor (4/7) 2174
Apr. 8 60 Approved by Governor (4/7) 2243

LEGISLATIVE BILL 836. By Warner

Jan. 6 1 Read first time 117
Jan. 8 3 Referred to Committee on Revenue 210
Jan. 12 5 Notice of hearing (1/20) 291
Jan. 21 10 Placed on General File 416
Feb. 19 29 Warner priority bill 907
Feb. 24 32 Warner amendment #2155 adopted.
Advanced for Review 970
Feb. 26 34 Placed on Select File - AM5344 1041
Mar. 2 37 AM5344 (E & R) adopted.
Advanced for Engrossment 1127
Mar. 7 39 Correctly Engrossed 1217
Mar. 31 56 Final Reading 43-0-6 1954
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 7 59 Approved by Governor (4/6) 2173

LEGISLATIVE BILL 836A. By Warner

Jan. 29 16 Read first time. Placed on General File 575
Feb. 24 32 Warner amendment #2176 adopted.
Advanced for Review 971
Feb. 26 34 Placed on Select File 1041
Mar. 2 37 Advanced for Engrossment 1127
Mar. 7 39 Correctly Engrossed 1217
Mar. 31 56 Final Reading 43-0-6 1955
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 7 59 Approved by Governor (4/6) 2173

LEGISLATIVE BILL 837. By Warner

Jan. 6 1 Read first time 117
Jan. 7 2 Referred to Committee on Appropriations 197
Feb. 1 17 Notice of hearing (2/9) 616
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 838. By Schellpeper, Moore, R. Johnson, Warner, Coordsen

Jan. 6 1 Read first time 117

Jan.	7	2	Referred to Committee on Government, Military and Veteran Affairs	197
Jan.	13	6	Notice of hearing (1/20)	306
Jan.	27	14	Placed on General File	531
Feb.	8	22	Advanced for Review	729
Feb.	10	24	Placed on Select File - AM5323	789
Feb.	17	27	Schellpeper amendment #2034 printed	853
Feb.	18	28	AM5323 (E & R) adopted. Schellpeper pending amendment #2034 p. 853 adopted. Advanced for Engrossment	890
Feb.	18	28	Abboud name added	895
Feb.	19	29	Correction	898
Feb.	23	31	Correctly Engrossed. ER0250 change	952
Feb.	24	32	Schellpeper amendment #2136 printed	995
Feb.	26	34	Returned to Select File for Schellpeper amendment. Schellpeper pending amendment #2136 p. 995 adopted. Advanced for Re-Engrossment	1051
Feb.	26	34	Returned to Select File for Schmit amendment. Schmit amendment #2235 adopted. Advanced for Re-Engrossment	1052
Feb.	29	35	Correctly Re-Engrossed	1083
Feb.	29	35	ER0260 change	1085
Mar.	17	46	Withem amendment printed	1473
Mar.	17	46	Withem amendment printed	1478
Mar.	25	52	Withem pending amendments p. 1473 and p. 1478 withdrawn. Final Reading 44-0-5	1742
Mar.	25	52	President signed	1750
Mar.	25	52	Abboud explanation of vote	1763
Mar.	25	52	Presented to Governor (3/25)	1764
Mar.	28	53	Approved by Governor (3/28)	1823

LEGISLATIVE BILL 838A. By Schellpeper

Feb.	26	34	Read first time. Placed on General File	1042
Mar.	1	36	Advanced for Review	1096
Mar.	1	36	Placed on Select File	1111
Mar.	14	43	Advanced for Engrossment	1381
Mar.	16	45	Correctly Engrossed	1463
Mar.	25	52	Final Reading 45-0-4	1743
Mar.	25	52	President signed	1750
Mar.	25	52	Abboud explanation of vote	1763
Mar.	25	52	Presented to Governor (3/25)	1764
Mar.	28	53	Approved by Governor (3/28)	1823

LEGISLATIVE BILL 839. By Schellpeper

Jan.	6	1	Read first time	117
Jan.	7	2	Referred to Committee on Health and Human Services	197
Jan.	12	5	Notice of hearing (1/22)	294
Jan.	28	15	Placed on General File - Com am #1758	541
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 839A. By Schellpeper

Feb.	2	18	Read first time. Placed on General File	645
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 840. By Schellpeper

Jan.	6	1	Read first time	117
Jan.	7	2	Referred to Committee on Transportation	197
Jan.	13	6	Notice of hearing (1/25)	305
Jan.	27	14	Placed on General File	535
Feb.	5	21	Weihing amendment #1877 printed	689
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 841. By Schellpeper, Bernard-Stevens

Jan.	6	1	Read first time	117
Jan.	7	2	Referred to Committee on Education	197
Jan.	8	3	Notice of hearing (1/19)	222
Feb.	3	19	Placed on General File - Com am #1847	659
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 842. By V. Johnson

Jan.	6	1	Read first time	118
Jan.	7	2	Referred to Committee on Revenue	197
Jan.	12	5	Notice of hearing (1/21)	291
Jan.	28	15	Placed on General File	546
Mar.	1	36	Advanced for Review	1105
Mar.	3	38	Placed on Select File	1153
Mar.	7	39	Advanced for Engrossment	1220
Mar.	8	40	Correctly Engrossed. ER0275 change	1280
Mar.	15	44	Final Reading w/E 41-0-8	1403
Mar.	15	44	Speaker signed	1405
Mar.	15	44	Presented to Governor (3/15)	1416

Mar. 17 46 Approved by Governor (3/17) 1502

LEGISLATIVE BILL 843. By V. Johnson

Jan. 6 1 Read first time 118
Jan. 7 2 Referred to Committee on Nebraska Retirement Systems 197
Jan. 21 10 V. Johnson motion to withdraw laid over 419
Jan. 22 11 V. Johnson pending motion p. 419 prevailed. Withdrawn 453

LEGISLATIVE BILL 844. By V. Johnson

Jan. 6 1 Read first time 118
Jan. 7 2 Referred to Committee on Revenue 197
Jan. 27 14 Notice of hearing (2/3) 532
Feb. 22 30 Speaker Barrett priority bill 931
Feb. 23 31 Indefinitely postponed 940

LEGISLATIVE BILL 845. By Remmers

Jan. 6 1 Read first time 118
Jan. 7 2 Referred to Committee on Revenue 197
Jan. 12 5 Notice of hearing (1/20) 291
Jan. 21 10 Placed on General File 416
Feb. 8 22 Advanced for Review 727
Feb. 10 24 Placed on Select File - AM5319 786
Feb. 16 26 Lamb amendment printed 841
Feb. 18 28 AM5319 (E & R) adopted. Lamb pending amendment p. 841 adopted. Advanced for Engrossment 889
Feb. 23 31 Correctly Engrossed 938
Feb. 26 34 Final Reading w/E 37-0-12 1052
Feb. 26 34 Speaker signed 1054
Feb. 29 35 Presented to Governor (2/26) 1060
Mar. 2 37 Approved by Governor (3/1) 1118

LEGISLATIVE BILL 846. By Nelson

Jan. 6 1 Read first time 119
Jan. 7 2 Referred to Committee on Appropriations 197
Jan. 27 14 Notice of hearing (2/4) 522
Feb. 4 20 Notice of hearing (room change) 677
Mar. 3 38 Placed on General File - Com am #2257 1171
Mar. 11 42 Hall amendment #2464 to committee

amendment printed 1342
Mar. 21 48 Hall pending amendment #2464 p. 1342
lost. Committee amendment #2257
adopted. Advanced for Review 1540
Mar. 22 49 Placed on Select File - AM5417 1612
Mar. 23 50 AM5417 (E & R) adopted.
Advanced for Engrossment 1648
Mar. 23 50 Correctly Engrossed 1697
Mar. 31 56 Final Reading 41-0-8 1955
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 6 58 Returned by Governor without approval (4/6) ... 2107
Apr. 6 58 Hall motion to override veto laid over 2113
Apr. 8 60 Hall pending motion to override veto
passed 31-14-4 2265
Apr. 8 60 Communication 2274
Apr. 8 60 Certificate 2275
Apr. 14 AJ Message from Secretary of State.
Certificate 2298

LEGISLATIVE BILL 847. By V. Johnson, Barrett

Jan. 6 1 Read first time 119
Jan. 7 2 Referred to Committee on Government,
Military and Veteran Affairs 197
Jan. 20 9 Notice of hearing (1/27) 391
Feb. 22 30 Speaker Barrett priority bill 931
Feb. 23 31 Placed on General File 938
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 847A. By V. Johnson, Barrett

Feb. 26 34 Read first time. Placed on General File 1044
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 848. By Lynch

Jan. 6 1 Read first time 128
Jan. 7 2 Referred to Committee on Revenue 197
Jan. 29 16 Notice of hearing (2/18) 561
Feb. 29 35 Indefinitely postponed 1086

LEGISLATIVE BILL 849. By Rogers

Jan. 6 1 Read first time 128

Jan. 7 2 Referred to Committee on Transportation 197
Jan. 25 12 Notice of hearing (2/2) 500
Feb. 17 27 Placed on General File - Com am #2008 847
Feb. 22 30 Speaker Barrett priority bill 931
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 850. By Rogers

Jan. 6 1 Read first time 128
Jan. 7 2 Referred to Committee on Government, Military and Veteran Affairs 197
Jan. 20 9 Notice of hearing (1/27) 391
Feb. 23 31 Indefinitely postponed 938

LEGISLATIVE BILL 851. By Morehead

Jan. 6 1 Read first time 128
Jan. 7 2 Referred to Committee on General Affairs 197
Jan. 22 11 Notice of hearing (2/1) 459
Feb. 19 29 Placed on General File - Com am #2084 898
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 852. By Morehead

Jan. 6 1 Read first time 128
Jan. 7 2 Referred to Committee on General Affairs 197
Jan. 22 11 Notice of hearing (2/1) 459
Feb. 8 22 Indefinitely postponed 722

LEGISLATIVE BILL 853. By Johanns

Jan. 6 1 Read first time 129
Jan. 7 2 Referred to Committee on Government, Military and Veteran Affairs 197
Jan. 13 6 Notice of hearing (1/22) 306
Jan. 27 14 Placed on General File 531
Feb. 8 22 Advanced for Review 729
Feb. 10 24 Placed on Select File - AM5324 790
Feb. 18 28 AM5324 (E & R) adopted. Advanced for Engrossment 890
Feb. 23 31 Correctly Engrossed. ER0355 change 952
Feb. 29 35 V. Johnson motion to return to Select File withdrawn 1065
Feb. 29 35 Final Reading 25-20-4 1066
Feb. 29 35 Speaker signed 1077

Feb. 29 35 Presented to Governor (2/29) 1082
Mar. 7 39 Returned by Governor without approval (3/4) ... 1188
Mar. 8 40 Johanns motion to override veto laid over 1249
Mar. 14 43 Johanns pending motion p. 1249 to override veto passed 31-12-6 1370
Mar. 14 43 Communication 1376
Mar. 14 43 Certificate 1377
Mar. 14 43 Message from Secretary of State. Certificate 1382

LEGISLATIVE BILL 854. By Johanns

Jan. 6 1 Read first time 129
Jan. 7 2 Referred to Committee on Government, Military and Veteran Affairs 197
Jan. 13 6 Notice of hearing (1/22) 306
Jan. 27 14 Placed on General File 531
Feb. 8 22 Advanced for Review 730
Feb. 10 24 Placed on Select File - AM5325 790
Feb. 18 28 AM5325 (E & R) adopted. Advanced for Engrossment 891
Feb. 23 31 Correctly Engrossed 952
Feb. 29 35 Final Reading w/E 45-0-4 1066
Feb. 29 35 Speaker signed 1077
Feb. 29 35 Presented to Governor (2/29) 1082
Mar. 2 37 Approved by Governor (3/1) 1118

LEGISLATIVE BILL 854A. By Johanns

Feb. 5 21 Read first time. Placed on General File 696
Feb. 8 22 Advanced for Review 730
Feb. 10 24 Placed on Select File 790
Feb. 18 28 Advanced for Engrossment 891
Feb. 23 31 Correctly Engrossed 952
Feb. 29 35 Final Reading w/E 44-0-5 1067
Feb. 29 35 Speaker signed 1077
Feb. 29 35 Presented to Governor (2/29) 1082
Mar. 2 37 Approved by Governor (3/1) 1118

LEGISLATIVE BILL 855. By Ashford

Jan. 6 1 Read first time 129
Jan. 7 2 Referred to Committee on Revenue 197
Jan. 29 16 Notice of hearing (2/10) 561
Feb. 19 29 Ashford priority bill 916

Feb.	23	31	Placed on General File - Com am #2074	939
Mar.	15	44	Ashford amendment #2563 printed	1394
Mar.	17	46	Committee amendment #2074 adopted. Haberman amendment to amendment #2563 pending	1501
Mar.	17	46	Ashford pending amendment #2563 adopted as amended by Haberman pending amendment p. 1502. Higgins motion to indefinitely postpone lost. Advanced for Review	1505
Mar.	21	48	Placed on Select File - AM5412	1542
Mar.	31	56	Ashford amendment #2889 adopted. Advanced for Engrossment	1983
Apr.	5	57	Correctly Engrossed	1999
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Higgins motions to return to Select File lost	2168
Apr.	7	59	Higgins motion to return to Select File lost	2169
Apr.	7	59	Higgins motion to return to Select File lost	2172
Apr.	7	59	Higgins motion to return to Select File pending	2173
Apr.	7	59	Higgins pending motion p. 2173 to return to Select File lost. Higgins motions to return to Select File lost	2176
Apr.	7	59	Higgins motions to return to Select File Lost	2178
Apr.	7	59	Higgins motions to return to Select File Lost. Final Reading w/E 39-2-8	2181
Apr.	7	59	President signed	2197
Apr.	7	59	Presented to Governor (4/7)	2206
Apr.	8	60	Approved by Governor (4/8)	2243

LEGISLATIVE BILL 856. By Remmers

Jan.	6	1	Read first time	129
Jan.	7	2	Referred to Committee on Banking, Commerce and Insurance	197
Jan.	12	5	Notice of hearing (1/19)	294
Jan.	22	11	Placed on General File	465
Feb.	22	30	Speaker Barrett priority bill	931
Mar.	1	36	Remmers amendment #2213 printed	1114
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 857. By L. Johnson

Jan.	6	1	Read first time	129
Jan.	7	2	Rogers name added	187
Jan.	7	2	Referred to Committee on Transportation	197
Jan.	12	5	Notice of hearing (1/19)	274
Jan.	22	11	Placed on General File	451
Feb.	8	22	Advanced for Review	728
Feb.	10	24	Placed on Select File - AM5317	786
Feb.	18	28	AM5317 (E & R) adopted. Advanced for Engrossment	889
Feb.	23	31	Correctly Engrossed	942
Feb.	29	35	Final Reading 44-0-5	1068
Feb.	29	35	Speaker signed	1077
Feb.	29	35	Presented to Governor (2/29)	1082
Mar.	2	37	Approved by Governor (3/1)	1118

LEGISLATIVE BILL 858. By L. Johnson, Goodrich

Jan.	6	1	Read first time	129
Jan.	7	2	Referred to Committee on Banking, Commerce and Insurance	197
Jan.	12	5	Notice of hearing (1/19)	294
Jan.	22	11	Placed on General File	465
Feb.	8	22	Advanced for Review	729
Feb.	10	24	Placed on Select File	787
Mar.	31	56	Advanced for Engrossment	1989
Apr.	5	57	Correctly Engrossed	1999
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Final Reading 45-0-4	2182
Apr.	7	59	President signed	2197
Apr.	7	59	Presented to Governor (4/7)	2206
Apr.	8	60	Approved by Governor (4/8)	2243

LEGISLATIVE BILL 859. By Remmers, Wehrbein, Hall

Jan.	6	1	Read first time	130
Jan.	7	2	Referred to Committee on Education	197
Jan.	28	15	Notice of hearing (2/16)	551
Feb.	17	27	Indefinitely postponed	860

LEGISLATIVE BILL 860. By Chizek, Ashford, Conway, Baack

Jan.	6	1	Read first time	130
Jan.	7	2	Labedz and Smith names added	177

Jan. 7 2 Referred to Committee on Education 197
Jan. 8 3 Notice of hearing (1/19) 222
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 861. By Nelson, Schellpeper, Dierks

Jan. 6 1 Read first time 130
Jan. 7 2 Referred to Committee on Judiciary 197
Jan. 11 4 Wesely motion to rerefer to Health and Human Services Committee laid over 266
Jan. 13 6 Wesely pending motion p. 266 prevailed. Rereferred to Health and Human Services Committee 297
Jan. 19 8 Notice of hearing (2/3) 370
Feb. 9 23 Placed on General File - Com am #1911 762
Feb. 24 32 Attorney General's Opinion #88010 to Nelson 988
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 862. By Peterson

Jan. 6 1 Read first time 130
Jan. 7 2 Referred to Committee on Urban Affairs 197
Jan. 26 13 Notice of hearing (2/2) 504
Feb. 4 20 Placed on General File - Com am #1873 678
Feb. 19 29 Urban Affairs Committee priority bill 907
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 863. By Hall, Withem

Jan. 6 1 Read first time 130
Jan. 7 2 Referred to Committee on Business and Labor 197
Jan. 14 7 Notice of hearing (1/25) 333
Jan. 29 16 Placed on General File 587
Mar. 1 36 Advanced for Review 1106
Mar. 3 38 Placed on Select File - AM5362 1154
Mar. 7 39 AM5362 (E & R) adopted. Advanced for Engrossment 1220
Mar. 10 41 Correctly Engrossed 1286
Mar. 31 56 Final Reading 41-1-7 1956
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 6 58 Returned by Governor without approval (4/6) ... 2109
Apr. 6 58 Hall-Withem-Chizek motion to override veto laid over 2114
Apr. 8 60 Hall et al pending motion to override

veto passed 30-16-3 2267
Apr. 8 60 Communication and Certificate 2275
Apr. 14 AJ Message from Secretary of State 2296
Apr. 14 AJ Certificate 2297

LEGISLATIVE BILL 863A. By Hall, Withem

Feb. 4 20 Read first time. Placed on General File 675
Mar. 1 36 Advanced for Review 1106
Mar. 3 38 Placed on Select File 1154
Mar. 7 39 Advanced for Engrossment 1220
Mar. 10 41 Correctly Engrossed 1286
Mar. 31 56 Final Reading 41-0-8 1957
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 6 58 Returned by Governor without approval (4/6) ... 2109
Apr. 6 58 Hall-Withem-Chizek motion to override veto laid over 2114
Apr. 8 60 Hall et al pending motion to override veto passed 30-15-4 2268
Apr. 8 60 Communication and Certificate 2275
Apr. 14 AJ Message from Secretary of State 2296
Apr. 14 AJ Certificate 2297

LEGISLATIVE BILL 864. By Hall, Barrett

Jan. 6 1 Read first time 131
Jan. 7 2 Referred to Committee on Business and Labor 197
Jan. 14 7 Notice of hearing (1/25) 332
Jan. 29 16 Placed on General File - Com am #1801 587
Feb. 5 21 Business and Labor Committee priority bill 689
Feb. 16 26 Committee amendment #1801 adopted. Advanced for Review 827
Feb. 17 27 Placed on Select File - AM5334 869
Feb. 19 29 Hall amendment #2090 printed 921
Mar. 3 38 AM5334 (E & R) adopted. Hall pending amendment #2090 p. 921 adopted. Advanced for Engrossment 1175
Mar. 8 40 Correctly Engrossed 1280
Mar. 15 44 Final Reading w/E 41-0-8 1404
Mar. 15 44 Speaker signed 1405
Mar. 15 44 Presented to Governor (3/15) 1416
Mar. 17 46 Approved by Governor (3/17) 1502

LEGISLATIVE BILL 865. By Remmers, Moore, Coordsen

Jan.	6	1	Read first time	131
Jan.	7	2	Referred to Committee on Health and Human Services	197
Jan.	19	8	Notice of hearing (2/5)	370
Jan.	20	9	Baack name added	387
Feb.	22	30	Speaker Barrett priority bill	931
Feb.	24	32	Placed on General File - Com am #2083	970
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 866. By Chizek, Ashford, Hall

Jan.	6	1	Read first time	131
Jan.	7	2	Referred to Committee on Nebraska Retirement Systems	197
Jan.	20	9	Notice of hearing (1/28)	394
Feb.	19	29	Chizek priority bill	907
Mar.	11	42	Placed on General File - Com am #2508	1331
Mar.	25	52	Goodrich amendment #2799 printed	1784
Mar.	28	53	Committee amendment #2508 adopted as amended by Goodrich amendment #2800. Goodrich pending amendment #2799 p. 1784 adopted. Advanced for Review	1824
Mar.	29	54	Placed on Select File - AM5431	1847
Mar.	29	54	Goodrich amendment #2862 to amendment #2799 printed	1878
Apr.	6	58	AM5431 (E & R) adopted. Goodrich pending amendment #2862 p. 1878 withdrawn. Advanced for Engrossment	2083
Apr.	6	58	Correctly Engrossed	2091
Apr.	8	60	Lynch motion to suspend rules prevailed	2209
Apr.	8	60	Final Reading w/E 38-8-3	2223
Apr.	8	60	Speaker signed	2232
Apr.	8	60	Presented to Governor (4/8)	2244
Apr.	14	AJ	Approved by Governor (4/11)	2286

LEGISLATIVE BILL 867. By Chizek

Jan.	6	1	Read first time	131
Jan.	7	2	Referred to Committee on Government, Military and Veteran Affairs	197
Jan.	27	14	Notice of hearing (2/5)	533
Feb.	16	26	Indefinitely postponed	835

LEGISLATIVE BILL 868. By Chizek

Jan.	6	1	Read first time	132
Jan.	7	2	Referred to Committee on Business and Labor	197
Jan.	22	11	Notice of hearing (2/1)	477
Feb.	3	19	Placed on General File	652
Feb.	5	21	Business and Labor Committee priority bill	689
Feb.	16	26	Advanced for Review	827
Feb.	17	27	Placed on Select File	871
Feb.	25	33	Advanced for Engrossment	1035
Feb.	29	35	Correctly Engrossed	1083
Feb.	29	35	ER0258 change	1086
Mar.	30	55	Smith amendment #2779 printed	1887
Mar.	31	56	Smith motion to return to Select File for amendment #2779 - ruled not germane. Smith-Withem motion to suspend rules prevailed. Returned to Select File for Smith amendment. Smith pending amendment #2779 p. 1887 withdrawn. Readvanced for Final Reading	1958
Mar.	31	56	Final Reading 42-0-7	1959
Mar.	31	56	Speaker signed	1973
Mar.	31	56	Presented to Governor (3/31)	1979
Apr.	6	58	Returned by Governor without approval (4/6)	2108
Apr.	6	58	Chizek-Hall-Chambers motion to override veto laid over	2114
Apr.	8	60	Chizek et al pending motion to override veto passed 37-6-6	2262
Apr.	8	60	Communication	2276
Apr.	8	60	Certificate	2277
Apr.	14	AJ	Message from Secretary of State. Certificate	2292

LEGISLATIVE BILL 868A. By Chizek

Feb.	9	23	Read first time. Placed on General File	765
Feb.	16	26	Advanced for Review	827
Feb.	17	27	Placed on Select File - AM5335	871
Feb.	25	33	AM5335 (E & R) adopted. Advanced for Engrossment	1035
Feb.	29	35	Correctly Engrossed	1083
Mar.	31	56	Final Reading 41-0-8	1960
Mar.	31	56	Speaker signed	1973
Mar.	31	56	Presented to Governor (3/31)	1979
Apr.	6	58	Returned by Governor without approval (4/6)	2108
Apr.	6	58	Chizek-Hall-Chambers motion to override	

veto laid over 2114
Apr. 8 60 Chizek et al pending motion to override veto passed 39-5-5 2263
Apr. 8 60 Communication 2276
Apr. 8 60 Certificate 2277
Apr. 14 AJ Message from Secretary of State. Certificate 2292

LEGISLATIVE BILL 869. By Wesely, Weihing

Jan. 6 1 Read first time 132
Jan. 7 2 Referred to Committee on Health and Human Services 197
Jan. 12 5 Notice of hearing (1/20) 293
Jan. 21 10 Placed on General File - Com am #1704 438
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 870. By R. Johnson, Moore

Jan. 6 1 Read first time 132
Jan. 7 2 Referred to Committee on Judiciary 197
Jan. 12 5 Notice of hearing (1/21) 291
Jan. 27 14 Indefinitely postponed 530

LEGISLATIVE BILL 871. By R. Johnson

Jan. 6 1 Read first time 132
Jan. 7 2 Referred to Committee on Agriculture 197
Jan. 12 5 Notice of hearing (1/19) 276
Jan. 20 9 Placed on General File 398
Feb. 8 22 Advanced for Review 726
Feb. 10 24 Placed on Select File - AM5331 782
Feb. 18 28 AM5331 (E & R) adopted. Advanced for Engrossment 889
Feb. 22 30 Correctly Engrossed 932
Feb. 26 34 Final Reading 42-0-7 1049
Feb. 26 34 Speaker signed 1051
Feb. 29 35 Presented to Governor (2/26) 1060
Mar. 2 37 Approved by Governor (3/1) 1118

LEGISLATIVE BILL 872. By R. Johnson

Jan. 6 1 Read first time 132
Jan. 7 2 Referred to Committee on Agriculture 198
Jan. 12 5 Notice of hearing (1/19) 276

Jan. 20 9 Placed on General File 398
Feb. 8 22 Advanced for Review 726
Feb. 10 24 Placed on Select File 783
Feb. 18 28 Advanced for Engrossment 889
Feb. 23 31 Correctly Engrossed 938
Feb. 29 35 Final Reading 45-0-4 1069
Feb. 29 35 Speaker signed 1077
Feb. 29 35 Presented to Governor (2/29) 1082
Mar. 2 37 Approved by Governor (3/1) 1118

LEGISLATIVE BILL 873. By R. Johnson

Jan. 6 1 Read first time 133
Jan. 7 2 Referred to Committee on Revenue 198
Jan. 29 16 Notice of hearing (2/11) 561
Feb. 23 31 Indefinitely postponed 940

LEGISLATIVE BILL 874. By R. Johnson

Jan. 6 1 Read first time 133
Jan. 7 2 Referred to Committee on Agriculture 198
Jan. 12 5 Notice of hearing (1/19) 276
Jan. 20 9 Placed on General File 398
Feb. 8 22 Advanced for Review 726
Feb. 10 24 Placed on Select File - AM5332 783
Feb. 18 28 AM5332 (E & R) adopted.
Advanced for Engrossment 889
Feb. 23 31 Correctly Engrossed. ER0253 change 938
Feb. 29 35 Final Reading 47-0-2 1070
Feb. 29 35 Speaker signed 1077
Feb. 29 35 Presented to Governor (2/29) 1082
Mar. 2 37 Approved by Governor (3/1) 1118

LEGISLATIVE BILL 875. By Ashford

Jan. 6 1 Read first time 133
Jan. 7 2 Referred to Committee on Business and Labor 198
Jan. 22 11 Notice of hearing (2/1) 477
Jan. 26 13 Ashford motion to suspend rules and
withdraw laid over 516
Jan. 27 14 Ashford pending motion p. 516
prevailed. Withdrawn 523
Jan. 27 14 Notice of hearing (2/1) (Cancel) 528

LEGISLATIVE BILL 876. By Ashford

Jan.	6	1	Read first time	133
Jan.	7	2	Referred to Committee on Judiciary	198
Jan.	19	8	Notice of hearing (1/27)	347
Feb.	24	32	Placed on General File - Com am #2082	982
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 877. By Ashford

Jan.	6	1	Read first time	133
Jan.	7	2	Referred to Committee on Banking, Commerce and Insurance	198
Jan.	14	7	Notice of hearing (1/26)	325
Feb.	24	32	Attorney General's Opinion #88011 to Schmit	989
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 878. By Ashford

Jan.	6	1	Read first time	133
Jan.	7	2	Referred to Committee on Government, Military and Veteran Affairs	198
Jan.	13	6	Notice of hearing (1/21)	306
Feb.	4	20	Placed on General File - Com am #1837	681
Feb.	19	29	Government, Military and Veterans Affairs Committee priority bill	907
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 879. By Wesely, Morehead

Jan.	6	1	Read first time	134
Jan.	7	2	Referred to Committee on Nebraska Retirement Systems	198
Jan.	20	9	Notice of hearing (1/28)	394
Feb.	9	23	Placed on General File - Com am #1901	744
Feb.	10	24	Nebraska Retirement Systems Committee priority bill	769
Mar.	15	44	Haberman amendment #2232 to committee amendment printed	1417
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 880. By Beyer, Pirsch, Langford, Korshoj

Jan.	6	1	Read first time	134
Jan.	7	2	Referred to Committee on Health and Human Services	198

Jan. 19 8 Notice of hearing (1/28) 369
Jan. 27 14 Notice of hearing (room change) 526
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 881. By Abboud, Goodrich, Morehead, Lynch, Schellpeper

Jan. 6 1 Read first time 134
Jan. 8 3 Referred to Committee on Health and Human Services 210
Jan. 21 10 Notice of hearing (2/10) 413
Feb. 19 29 Abboud priority bill 908
Feb. 26 34 Placed on General File 1054
Mar. 23 50 V. Johnson-Wesely motion to indefinitely postpone prevailed 1694

LEGISLATIVE BILL 882. By Conway, Bernard-Stevens, Scofield, Schellpeper

Jan. 6 1 Read first time 135
Jan. 7 2 Hefner name added 177
Jan. 8 3 Referred to Committee on Natural Resources 210
Feb. 2 18 Notice of hearing (2/25) 633
Feb. 24 32 Attorney General's Opinion #88012 to Conway/Schellpeper/Scofield/Bernard-Stevens 990
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 883. By R. Johnson, Landis, Conway, Lynch, Remmers

Jan. 6 1 Read first time 135
Jan. 8 3 Referred to Committee on Judiciary 211
Jan. 12 5 Notice of hearing (1/21) 291
Jan. 27 14 Indefinitely postponed 530

LEGISLATIVE BILL 884. By Beyer

Jan. 6 1 Read first time 135
Jan. 8 2 Referred to Committee on Transportation 211
Jan. 19 8 Notice of hearing (1/26) 353
Jan. 27 14 Placed on General File 535
Mar. 1 36 Advanced for Review 1104
Mar. 2 37 Placed on Select File 1142
Mar. 31 56 Beyer amendment #2636 printed 1992
Apr. 6 58 Beyer pending amendment #2636 p. 1992

adopted. Advanced for Engrossment 2117
Apr. 6 58 Correctly Engrossed 2143
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading w/E 47-0-2 2224
Apr. 8 60 Speaker signed 2232
Apr. 8 60 Presented to Governor (4/8) 2244
Apr. 14 AJ Approved by Governor (4/11) 2286

LEGISLATIVE BILL 885. By Beyer

Jan. 6 1 Read first time 135
Jan. 8 3 Referred to Committee on Transportation 211
Jan. 25 12 Notice of hearing (2/2) 500
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 886. By Pirsch

Jan. 6 1 Read first time 135
Jan. 8 3 Referred to Committee on Banking, Commerce and Insurance 211
Jan. 22 11 Notice of hearing (2/1) 477
Feb. 5 21 Indefinitely postponed 714

LEGISLATIVE BILL 887. By Pirsch

Jan. 6 1 Read first time 136
Jan. 8 3 Referred to Committee on Judiciary 211
Jan. 12 5 Notice of hearing (1/22) 291
Feb. 11 25 Placed on General File - Com am #1794 811
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 888. By Pirsch

Jan. 6 1 Read first time 136
Jan. 8 3 Referred to Committee on Judiciary 211
Jan. 12 5 Notice of hearing (1/22) 291
Feb. 11 25 Placed on General File 811
Feb. 19 29 Pirsch priority bill 922
Mar. 3 38 Pirsch amendment #2300 printed 1166
Mar. 8 40 Pirsch pending amendment #2300 p. 1166 adopted. Chambers motion to indefinitely postpone prevailed 1282
Mar. 11 42 Chambers motion to suspend rules and reconsider vote printed. Chambers

motion to reconsider vote laid over 1336

LEGISLATIVE BILL 888A. By Pirsch

Feb. 29 35 Read first time. Placed on General File 1078
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 889. By Pirsch

Jan. 6 1 Read first time 136
Jan. 8 3 Referred to Committee on Banking, Commerce and Insurance 211
Jan. 29 16 Notice of hearing (2/9) 562
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 890. By Nelson, Smith

Jan. 6 1 Read first time 136
Jan. 8 3 Referred to Committee on Education 211
Jan. 14 7 Notice of hearing (1/25) 332
Feb. 3 19 Placed on General File - Com am #1862 665
Feb. 18 28 Nelson amendment #2070 printed 892
Feb. 19 29 Nelson priority bill 915
Feb. 26 34 Attorney General's Opinion #88013 to Nelson ... 1037
Mar. 1 36 Nelson amendment #2240 to committee amendment printed 1102
Mar. 2 37 Committee amendment #1862 lost. Nelson pending amendment #2240 p. 1102 withdrawn. Advanced for Review 1132
Mar. 7 39 Placed on Select File 1208
Mar. 10 41 Withem-Nelson amendment #2454 printed 1294
Mar. 29 54 Nelson pending amendment #2070 p. 892 withdrawn. Withem-Nelson pending amendment #2454 p. 1294 adopted. Advanced for Engrossment 1877
Mar. 31 56 Correctly Engrossed 1970
Mar. 31 56 ER0301 change 1971
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading w/E 43-0-6 2157
Apr. 7 59 Speaker signed 2168
Apr. 7 59 Presented to Governor (4/7) 2169
Apr. 8 60 Approved by Governor (4/7) 2243

LEGISLATIVE BILL 891. By Smith

Jan.	6	1	Read first time	136
Jan.	8	3	Referred to Committee on Education	211
Jan.	28	15	Notice of hearing (2/8)	551
Feb.	17	27	Indefinitely postponed	860

LEGISLATIVE BILL 892. By Smith

Jan.	6	1	Read first time	137
Jan.	8	3	Referred to Committee on Business and Labor	211
Jan.	14	7	Notice of hearing (1/25)	332
Jan.	29	16	Placed on General File	587
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 893. By Smith

Jan.	6	1	Read first time	137
Jan.	8	3	Referred to Committee on Judiciary	211
Jan.	12	5	Notice of hearing (1/22)	291
Jan.	27	14	Placed on General File	529
Feb.	8	22	Advanced for Review	729
Feb.	10	24	Placed on Select File - AM5330	787
Feb.	18	28	AM5330 (E & R) adopted. Advanced for Engrossment	890
Feb.	23	31	Correctly Engrossed	942
Feb.	29	35	Schmit motion to return to Select File for amendment withdrawn	1070
Feb.	29	35	Final Reading 40-4-5	1071
Feb.	29	35	Speaker signed	1077
Feb.	29	35	Presented to Governor (2/29)	1082
Mar.	2	37	Approved by Governor (3/1)	1118

LEGISLATIVE BILL 894. By Schellpeper, McFarland

Jan.	6	1	Read first time	137
Jan.	8	3	Referred to Committee on Revenue	211
Jan.	29	16	Notice of hearing (2/18)	561
Feb.	29	35	Indefinitely postponed	1086

LEGISLATIVE BILL 895. By Hall, Labedz

Jan.	6	1	Read first time	137
Jan.	8	3	Referred to Committee on Revenue	211
Jan.	19	8	Rogers name added	368
Jan.	22	11	Dierks name added	481
Jan.	29	16	Notice of hearing (2/25)	562

Mar. 1 36 Schmit name added 1099
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 896. By Baack, Ashford, Withem

Jan. 6 1 Read first time 138
Jan. 8 3 Referred to Committee on Education 211
Jan. 8 3 Notice of hearing (1/19) 222
Jan. 20 9 Placed on General File 390
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 897. By Baack

Jan. 6 1 Read first time 144
Jan. 8 3 Referred to Committee on Natural Resources 211
Jan. 21 10 Notice of hearing (1/28) 441
Feb. 23 31 Placed on General File 943
Mar. 1 36 Chambers motion to suspend rules withdrawn ... 1113
Mar. 1 36 Advanced for Review 1115
Mar. 2 37 Baack amendment #2091 printed 1125
Mar. 7 39 Placed on Select File - AM5381 1197
Mar. 8 40 AM5381 (E & R) adopted.
Advanced for Engrossment 1265
Mar. 10 41 Correctly Engrossed 1317
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 898. By Morehead

Jan. 6 1 Read first time 144
Jan. 8 3 Referred to Committee on Education 211
Jan. 28 15 Notice of hearing (3/1) 552
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 899. By Judiciary Committee

Jan. 6 1 Read first time 144
Jan. 8 3 Referred to Committee on Judiciary 211
Jan. 12 5 Notice of hearing (1/20) 291
Feb. 18 28 Placed on General File - Com am #2079 895
(printed separate)
Feb. 19 29 Judiciary Committee priority bill 907
Mar. 22 49 Committee amendment #2079 adopted.
Advanced for Review 1590
Mar. 25 52 Placed on Select File - AM5424 1765
(printed separate)

Mar. 31 56 AM5424 (E & R) adopted.
Advanced for Engrossment 1989
Apr. 5 57 Correctly Engrossed 1999
Apr. 5 57 ER0314 change 2001
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading 45-2-2 2183
Apr. 7 59 President signed 2197
Apr. 7 59 Presented to Governor (4/7) 2206
Apr. 8 60 Approved by Governor (4/8) 2243

LEGISLATIVE BILL 900. By Morehead

Jan. 6 1 Read first time 145
Jan. 8 3 Referred to Committee on Transportation 211
Jan. 12 5 Notice of hearing (1/19) 274
Feb. 3 19 Indefinitely postponed 665

LEGISLATIVE BILL 901. By General Affairs Committee

Jan. 6 1 Read first time 145
Jan. 8 3 Referred to Committee on General Affairs 211
Feb. 4 20 Notice of hearing (2/22) 673
Feb. 23 31 Placed on General File 953
Mar. 1 36 Chambers motion to suspend rules withdrawn ... 1113
Mar. 1 36 Advanced for Review 1115
Mar. 7 39 Placed on Select File - AM5385 1197
Mar. 8 40 AM5385 (E & R) adopted.
Advanced for Engrossment 1265
Mar. 10 41 Correctly Engrossed. ER0278 change 1317
Mar. 17 46 Final Reading 36-0-13 1480
Mar. 17 46 Speaker signed 1494
Mar. 17 46 Presented to Governor (3/17) 1495
Mar. 21 48 Approved by Governor (3/21) 1570

LEGISLATIVE BILL 902. By General Affairs Committee

Jan. 6 1 Read first time 145
Jan. 8 3 Referred to Committee on General Affairs 211
Jan. 13 6 Notice of hearing (1/25) 299
Feb. 1 17 Placed on General File 620
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 902A. By Morehead

Feb. 17 27 Read first time. Placed on General File 872

Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 903. By Coordsen, Morehead

Jan. 6 1 Read first time 146
Jan. 8 3 Referred to Committee on Transportation 211
Jan. 11 4 Rereferred to Committee on Natural Resources ... 252
Feb. 2 18 Notice of hearing (2/10) 632
Feb. 23 31 Placed on General File 943
Mar. 1 36 Chambers motion to suspend rules withdrawn ... 1113
Mar. 1 36 Advanced for Review 1115
Mar. 7 39 Placed on Select File 1197
Mar. 8 40 Advanced for Engrossment 1265
Mar. 10 41 Correctly Engrossed 1317
Mar. 17 46 Final Reading 37-0-12 1481
Mar. 17 46 Speaker signed 1494
Mar. 17 46 Presented to Governor (3/17) 1495
Mar. 21 48 Approved by Governor (3/21) 1570

LEGISLATIVE BILL 904. By McFarland

Jan. 6 1 Read first time 146
Jan. 8 3 Referred to Committee on Education 211
Jan. 14 7 Notice of hearing (1/25) 332
Feb. 3 19 Placed on General File 659
Feb. 19 29 McFarland priority bill 908
Mar. 1 36 Lamb motion to indefinitely postpone prevailed 1098

LEGISLATIVE BILL 905. By McFarland

Jan. 6 1 Read first time 146
Jan. 8 3 Referred to Committee on Education 211
Jan. 22 11 Notice of hearing (2/1) 460
Feb. 2 18 Placed on General File 644
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 906. By McFarland

Jan. 6 1 Read first time 146
Jan. 8 3 Referred to Committee on Judiciary 211
Jan. 12 5 Notice of hearing (1/21) 291
Feb. 11 25 Indefinitely postponed 812

LEGISLATIVE BILL 907. By McFarland

Jan.	6	1	Read first time	146
Jan.	8	3	Referred to Committee on Judiciary	211
Jan.	12	5	Notice of hearing (1/21)	291
Feb.	11	25	Indefinitely postponed	812

LEGISLATIVE BILL 908. By McFarland

Jan.	6	1	Read first time	146
Jan.	8	3	Referred to Committee on Judiciary	211
Jan.	12	5	Notice of hearing (1/22)	291
Jan.	27	14	Placed on General File - Com am #1740	530
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 909. By Wehrbein, Remmers

Jan.	6	1	Read first time	147
Jan.	8	3	Referred to Committee on General Affairs	211
Feb.	4	20	Notice of hearing (2/22)	673
Feb.	23	31	Placed on General File	953
Mar.	1	36	Chambers motion to suspend rules withdrawn	1113
Mar.	1	36	Advanced for Review	1115
Mar.	7	39	Placed on Select File - AM5366	1198
Mar.	8	40	AM5366 (E & R) adopted. Advanced for Engrossment	1265
Mar.	10	41	Correctly Engrossed	1317
Mar.	17	46	Final Reading 33-6-10	1482
Mar.	17	46	Speaker signed	1494
Mar.	17	46	Presented to Governor (3/17)	1495
Mar.	21	48	Approved by Governor (3/21)	1570

LEGISLATIVE BILL 910. By Wehrbein

Jan.	6	1	Read first time	147
Jan.	8	3	Referred to Committee on Urban Affairs	211
Jan.	12	5	Notice of hearing (1/19)	294
Feb.	16	26	Indefinitely postponed	843

LEGISLATIVE BILL 911. By Elmer, Hefner, Peterson, Weihing, Schellpeper

Jan.	6	1	Read first time	147
Jan.	8	3	Referred to Committee on Agriculture	211
Jan.	19	8	Notice of hearing (2/2)	363
Feb.	19	29	Agriculture Committee priority bill	907

Feb. 25 33 Placed on General File - Com am #2103 1030
Mar. 7 39 Attorney General's Opinion #88018 to Elmer 1224
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 911A. By Elmer

Mar. 2 37 Read first time. Placed on General File 1134
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 912. By Conway

Jan. 6 1 Read first time 147
Jan. 7 2 Nelson name added 195
Jan. 8 3 Referred to Committee on Judiciary 211
Jan. 26 13 Notice of hearing (2/3) 508
Feb. 11 25 Placed on General File 811
Mar. 1 36 Advanced for Review 1111
Mar. 7 39 Placed on Select File 1194
Mar. 8 40 Advanced for Engrossment 1264
Mar. 10 41 Correctly Engrossed 1317
Mar. 17 46 Final Reading 40-0-9 1483
Mar. 17 46 Speaker signed 1494
Mar. 17 46 Presented to Governor (3/17) 1495
Mar. 21 48 Approved by Governor (3/21) 1570

LEGISLATIVE BILL 913. By Conway, Ashford

Jan. 6 1 Read first time 147
Jan. 8 3 Referred to Committee on Banking, Commerce and Insurance 211
Jan. 12 5 Notice of hearing (1/19) 294
Jan. 28 15 Placed on General File - Com am #1778 554
Feb. 5 21 R. Johnson name added 715
Feb. 10 24 R. Johnson priority bill 770
Feb. 25 33 Abboud name added 1035
Mar. 8 40 Committee amendment #1778 adopted. Conway amendment #2436 adopted. Advanced for Review 1271
Mar. 10 41 Placed on Select File - AM5392 1315
Mar. 28 53 AM5392 (E & R) adopted. Advanced for Engrossment 1812
Mar. 29 54 Correctly Engrossed 1848
Apr. 6 58 Final Reading w/E 43-3-3 2134
Apr. 6 58 Speaker signed 2141
Apr. 7 59 Presented to Governor (4/7) 2147

Apr. 8 60 Approved by Governor (4/7) 2243

LEGISLATIVE BILL 914. By Abboud

Jan. 6 1 Read first time 148
Jan. 8 3 Referred to Committee on Revenue 211
Jan. 29 16 Notice of hearing (2/24) 561
Feb. 9 23 Notice of hearing (2/17) (reset) 750
Feb. 23 31 Indefinitely postponed 940

LEGISLATIVE BILL 915. By Abboud

Jan. 6 1 Read first time 148
Jan. 8 3 Referred to Committee on Revenue 211
Jan. 29 16 Notice of hearing (2/24) 561
Feb. 9 23 Notice of hearing (2/17) (Reset) 750
Feb. 23 31 Indefinitely postponed 940

LEGISLATIVE BILL 916. By Withem

Jan. 6 1 Read first time 148
Jan. 8 3 Referred to Committee on Education 211
Jan. 8 3 Notice of hearing (1/26) 222
Feb. 3 19 Placed on General File - Com am #1848 660
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 916A. By Withem

Feb. 18 28 Read first time. Placed on General File 881
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 917. By Landis, Wesely

Jan. 6 1 Read first time 148
Jan. 8 3 Referred to Committee on Banking, Commerce and Insurance 211
Jan. 29 16 Notice of hearing (2/16) 562
Feb. 19 29 Placed on General File 905
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 918. By Landis

Jan. 6 1 Read first time 148
Jan. 8 3 Referred to Committee on Judiciary 211
Jan. 26 13 Notice of hearing (2/3) 508

Feb. 11 25 Indefinitely postponed 812

LEGISLATIVE BILL 919. By Landis

Jan. 6 1 Read first time 149
Jan. 8 3 Referred to Committee on Banking, Commerce and Insurance 211
Jan. 12 5 Notice of hearing (1/19) 294
Jan. 22 11 Placed on General File - Com am #1703 470
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 920. By Conway, Ashford

Jan. 6 1 Read first time 149
Jan. 8 3 Referred to Committee on Banking, Commerce and Insurance 211
Jan. 12 5 Chambers motion to rerefer to Judiciary Committee laid over 291
Jan. 13 6 Chambers pending motion p. 291 withdrawn 299
Jan. 13 6 Rereferred to Committee on Judiciary 300
Feb. 2 18 Notice of hearing (2/11) 644
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 921. By Ashford, Conway

Jan. 6 1 Read first time 149
Jan. 8 3 Referred to Committee on Judiciary 211
Jan. 26 13 Notice of hearing (2/4) 508
Mar. 1 36 Placed on General File 1093
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 922. By Remmers, Coordsen, Dierks, Conway

Jan. 6 1 Read first time 149
Jan. 8 3 Referred to Committee on Government, Military and Veteran Affairs 211
Jan. 27 14 Notice of hearing (2/4) 533
Feb. 16 26 Placed on General File 835
Feb. 22 30 Speaker Barrett priority bill 931
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 922A. By Remmers

Feb. 24 32 Read first time. Placed on General File 985
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 923. By McFarland

Jan.	6	1	Read first time	149
Jan.	8	3	Referred to Committee on Business and Labor	211
Jan.	14	7	Notice of hearing (1/25)	332
Feb.	3	19	Placed on General File - Com am #1835	652
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 924. By McFarland

Jan.	6	1	Read first time	150
Jan.	8	3	Referred to Committee on Judiciary	211
Jan.	12	5	Notice of hearing (1/21)	291
Feb.	11	25	Indefinitely postponed	812

LEGISLATIVE BILL 925. By Landis

Jan.	6	1	Read first time	150
Jan.	8	3	Referred to Committee on Revenue	211
Jan.	12	5	Notice of hearing (1/21)	291
Jan.	28	15	Indefinitely postponed	547

LEGISLATIVE BILL 926. By Landis, Marsh, Johanns, Warner, McFarland, Hartnett, Hall

Jan.	6	1	Read first time	150
Jan.	8	3	Referred to Committee on Education	211
Jan.	28	15	Notice of hearing (2/8)	551
Feb.	19	29	Marsh priority bill	916
Mar.	2	37	Placed on General File - Com am #2281	1121
Mar.	28	53	Landis amendment #2787 to committee amendment lost. Committee amendment #2281 adopted. Rogers motion to indefinitely postpone prevailed	1814

LEGISLATIVE BILL 927. By Executive Board

Jan.	6	1	Read first time	150
Jan.	8	3	Placed on General File	212
Jan.	12	5	Labedz amendment #1626 printed	292
Jan.	13	6	Labedz pending amendment #1626 p. 292 adopted. Advanced for Review	313
Jan.	20	9	Placed on Select File - AM5269	374
Jan.	22	11	AM5269 (E & R) adopted.	

Advanced for Engrossment 455
Jan. 26 13 Correctly Engrossed 513
Feb. 1 17 Final Reading 46-0-3 612
Feb. 1 17 Speaker signed 615
Feb. 1 17 Presented to Governor (2/1) 620
Feb. 3 19 Approved by Governor (2/3) 664

LEGISLATIVE BILL 928. By Abboud

Jan. 6 1 Read first time 160
Jan. 8 3 Referred to Committee on Judiciary 212
Jan. 11 4 Wesely motion to rerefer to Health and Human Services Committee laid over 266
Jan. 13 6 Wesely pending motion p. 266 lost 298
Feb. 10 24 Notice of hearing (2/17) 775
Feb. 25 33 Indefinitely postponed 1021

LEGISLATIVE BILL 929. By Goodrich

Jan. 6 1 Read first time 160
Jan. 8 3 Referred to Committee on General Affairs 212
Feb. 4 20 Notice of hearing (2/22) 673
Feb. 23 31 Placed on General File 953
Mar. 1 36 Chambers motion to suspend rules withdrawn ... 1113
Mar. 1 36 Advanced for Review 1115
Mar. 7 39 Placed on Select File 1198
Mar. 8 40 Advanced for Engrossment 1266
Mar. 10 41 Correctly Engrossed 1317
Mar. 17 46 Final Reading 40-0-9 1484
Mar. 17 46 Speaker signed 1494
Mar. 17 46 Presented to Governor (3/17) 1495
Mar. 21 48 Approved by Governor (3/21) 1570

LEGISLATIVE BILL 930. By Wesely

Jan. 6 1 Read first time 160
Jan. 8 3 Referred to Committee on Health and Human Services 212
Jan. 12 5 Notice of hearing (1/20) 293
Jan. 21 10 Placed on General File 438
Feb. 8 22 Advanced for Review 728
Feb. 10 24 Placed on Select File - AM5322 786
Feb. 18 28 AM5322 (E & R) adopted. Advanced for Engrossment 889
Feb. 23 31 Correctly Engrossed. ER0254 change 938

Feb. 29 35 Final Reading 46-0-3 1072
Feb. 29 35 Speaker signed 1077
Feb. 29 35 Presented to Governor (2/29) 1082
Mar. 2 37 Approved by Governor (3/1) 1118

LEGISLATIVE BILL 931. By Withem

Jan. 6 1 Read first time 160
Jan. 8 3 Referred to Committee on Urban Affairs 212
Jan. 26 13 Notice of hearing (2/2) 504
Feb. 17 27 Hall name added 847
Feb. 17 27 Placed on General File - Com am #2019 863
Feb. 18 28 Haberman and Labedz names added 895
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 932. By Withem

Jan. 6 1 Read first time 168
Jan. 8 3 Referred to Committee on Urban Affairs 212
Jan. 29 16 Notice of hearing (2/16) 562
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 933. By Remmers

Jan. 6 1 Read first time 168
Jan. 8 3 Referred to Committee on Banking, Commerce and Insurance 212
Jan. 14 7 Notice of hearing (1/25) 325
Jan. 28 15 Placed on General File 554
Feb. 29 35 Remmers amendment #1830 printed 1082
Mar. 1 36 Remmers pending amendment #1830 p. 1082 adopted. Advanced for Review 1105
Mar. 3 38 Placed on Select File - AM5358 1153
Mar. 7 39 Remmers amendment #2408 printed 1216
Mar. 7 39 AM5358 (E & R) adopted. Advanced for Engrossment 1220
Mar. 10 41 Correctly Engrossed 1286
Mar. 10 41 ER0276 change 1287
Mar. 21 48 Remmers pending amendment #2408 p. 1216 withdrawn 1546
Mar. 21 48 Final Reading 39-0-10 1547
Mar. 21 48 President signed 1566
Mar. 21 48 Presented to Governor (3/21) 1567
Mar. 24 51 Approved by Governor (3/23) 1711

LEGISLATIVE BILL 934. By Korshoj, Hartnett

Jan.	6	1	Read first time	169
Jan.	8	3	Referred to Committee on Urban Affairs	212
Jan.	12	5	Notice of hearing (1/19)	294
Jan.	27	14	Placed on General File - Com am #1756	530
Feb.	19	29	Urban Affairs Committee priority bill	907
Feb.	19	29	Committee amendment #1756 adopted. Advanced for Review	918
Feb.	25	33	Placed on Select File	1000
Mar.	2	37	Advanced for Engrossment	1127
Mar.	7	39	Correctly Engrossed. ER0265 change	1217
Mar.	21	48	Withem-Hartnett-Smith amendment #2334 printed	1577
Mar.	25	52	Returned to Select File for Withem-Hartnett-Smith amendment. Withem-Hartnett-Smith pending amendment #2334 p. 1577 adopted. Advanced for Re-Engrossment	1739
Mar.	28	53	Correctly Re-Engrossed. ER0291 change	1810
Apr.	6	58	Final Reading 43-0-6	2131
Apr.	6	58	Speaker signed	2134
Apr.	7	59	Presented to Governor (4/7)	2147
Apr.	8	60	Approved by Governor (4/7)	2243

LEGISLATIVE BILL 935. By Moore, Dierks, Langford, Elmer, Miller, Beyer, Weihing, Remmers, Goodrich, Wehrbein, Higgins, Schellpeper

Jan.	6	1	Read first time	169
Jan.	8	3	Referred to Committee on Banking, Commerce and Insurance	212
Jan.	11	4	Smith name added	267
Jan.	29	16	Notice of hearing (2/8)	562
Feb.	19	29	Wehrbein priority bill	908
Feb.	19	29	Wehrbein motion to suspend rules and withdraw as priority bill prevailed	923
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 936. By Chizek

Jan.	6	1	Read first time	169
Jan.	8	3	Referred to Committee on Government, Military and Veterans Affairs	212

Feb.	9	23	Notice of hearing (2/25)	750
Feb.	19	29	Correction	898
Mar.	1	36	Indefinitely postponed	1089

LEGISLATIVE BILL 937. By Schmit

Jan.	6	1	Read first time	169
Jan.	8	3	Referred to Committee on Natural Resources	212
Jan.	14	7	Notice of hearing (1/21)	332
Feb.	23	31	Indefinitely postponed	943

LEGISLATIVE BILL 938. By Schmit

Jan.	6	1	Read first time	169
Jan.	8	3	Referred to Committee on Banking, Commerce and Insurance	212
Jan.	22	11	Notice of hearing (2/1)	477
Feb.	5	21	Indefinitely postponed	714

LEGISLATIVE BILL 939. By Withem

Jan.	6	1	Read first time	170
Jan.	8	3	Referred to Committee on Education	212
Jan.	8	3	Notice of hearing (1/19)	222
Jan.	20	9	Placed on General File - Com am #1697	390
Mar.	1	36	Committee amendment #1697 adopted. Advanced for Review	1103
Mar.	2	37	Placed on Select File	1132
Mar.	7	39	Advanced for Engrossment	1219
Mar.	8	40	Correctly Engrossed	1280
Mar.	16	45	Final Reading 37-0-12	1444
Mar.	16	45	Speaker signed	1455
Mar.	16	45	Presented to Governor (3/16)	1458
Mar.	17	46	Approved by Governor (3/17)	1502

LEGISLATIVE BILL 940. By Withem

Jan.	6	1	Read first time	170
Jan.	8	3	Referred to Committee on Education	212
Jan.	8	3	Notice of hearing (1/26)	222
Feb.	3	19	Placed on General File - Com am #1851 (printed separate)	667
Feb.	18	28	Withem priority bill	875
Feb.	22	30	Lamb amendment #2102 to committee amendment printed	935

Feb.	25	33	Withem amendment #2185 to committee amendment printed	1014
Feb.	25	33	Withem amendment #2186 to committee amendment printed	1017
Mar.	2	37	Withem pending amendments #2185 p. 1014 and #2186 p. 1017 to committee amendment adopted. Dierks amendment #2323 lost. Lamb amendment #2225 to committee amendment pending	1133
Mar.	2	37	Lamb pending amendment #2225 p. 1134 lost. Smith amendment to committee amendment adopted. Committee amendment #1851 adopted as amended. Advanced for Review	1134
Mar.	2	37	Scofield amendment to committee amendment printed	1141
Mar.	7	39	Placed on Select File - AM5387	1233
Mar.	8	40	Withem amendment #2417 to amendment #2185 printed	1268
Mar.	10	41	Dierks amendment #2460 to committee amendment printed	1309
Mar.	18	47	Langford amendment #2611 printed separate	1520
Mar.	23	50	Warner amendment #2720 to amendment #2185 printed	1655
Mar.	30	55	AM5387 (E & R) adopted. Lamb pending amendment #2102 p. 935 withdrawn. Scofield pending amendment p. 1141 lost. Dierks request to substitute amendment prevailed. Dierks pending amendment #2460 p. 1309 withdrawn. Dierks substitute amendment #2850 lost. Withem pending amendment #2417 p. 1268, Langford pending amendment #2611 p. 1520 and Warner pending amendment #2720 p. 1655 adopted	1905
Mar.	30	55	Coordsen amendment withdrawn. Lamb amendment and Lamb amendment #2707 adopted. Moore motion to reconsider Scofield amendment p. 1141 prevailed. Scofield reconsidered amendment p. 1141 adopted. Advanced for Engrossment	1909
Apr.	5	57	Correctly Engrossed	1999
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Final Reading 35-12-2	2184
Apr.	7	59	President signed	2197

Apr. 7 59 Presented to Governor (4/7) 2206
Apr. 8 60 Approved by Governor (4/8) 2242

LEGISLATIVE BILL 940A. By Withem

Feb. 18 28 Read first time. Placed on General File 881
Mar. 2 37 Advanced for Review 1136
Mar. 7 39 Placed on Select File - AM5388 1234
Mar. 8 40 Withem amendment #2445 printed 1276
Mar. 30 55 AM5388 (E & R) adopted. Withem pending amendment #2445 p. 1276 adopted. Advanced for Engrossment 1910
Apr. 5 57 Correctly Engrossed 1999
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading 43-1-5 2185
Apr. 7 59 President signed 2197
Apr. 7 59 Presented to Governor (4/7) 2206
Apr. 8 60 Approved by Governor (4/8) 2242

LEGISLATIVE BILL 941. By Morehead

Jan. 6 1 Read first time 170
Jan. 8 3 Referred to Committee on General Affairs 212
Jan. 13 6 Notice of hearing (1/25) 299
Feb. 1 17 Placed on General File - Com am #1825 620
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 942. By Chizek, Hall, Ashford

Jan. 6 1 Read first time 170
Jan. 8 3 Referred to Committee on Business and Labor 212
Jan. 22 11 Notice of hearing (2/8) 477
Feb. 16 26 Placed on General File - Com am #2009 827
Feb. 19 29 Lynch priority bill 915
Mar. 8 40 Committee amendment #2009 adopted. Advanced for Review 1284
Mar. 10 41 Placed on Select File - AM5393 1316
Mar. 28 53 AM5393 (E & R) adopted. Advanced for Engrossment 1812
Mar. 29 54 Correctly Engrossed 1848
Apr. 6 58 Final Reading 46-1-2 2135
Apr. 6 58 Speaker signed 2141
Apr. 7 59 Presented to Governor (4/7) 2147
Apr. 8 60 Returned by Governor without approval (4/8) ... 2238
Apr. 8 60 Chizek motion to override veto

passed 37-3-9 2269
Apr. 8 60 Communication and Certificate 2278
Apr. 14 AJ Message from Secretary of State 2293
Apr. 14 AJ Certificate 2294

LEGISLATIVE BILL 943. By Remmers, Rogers, R. Johnson

Jan. 6 1 Read first time 171
Jan. 8 3 Referred to Committee on Business and Labor 212
Jan. 11 4 Rereferred to Committee on Banking, Commerce and Insurance 252
Jan. 12 5 Notice of hearing (1/19) 294
Jan. 22 11 Placed on General File - Com am #1702 471
Feb. 10 24 Rogers priority bill 770
Feb. 19 29 Committee amendment #1702 adopted. Elmer-Hefner-Korshoj amendment ruled not germane. Advanced for Review 913
Feb. 25 33 Placed on Select File - AM5340 999
Feb. 26 34 AM5340 (E & R) adopted. Advanced for Engrossment 1054
Mar. 1 36 Correctly Engrossed 1088
Mar. 8 40 Final Reading 49-0-0 1255
Mar. 8 40 President signed 1262
Mar. 8 40 Presented to Governor (3/8) 1266
Mar. 8 40 Approved by Governor (3/8) 1281

LEGISLATIVE BILL 944. By Haberman

Jan. 6 1 Read first time 171
Jan. 8 3 Referred to Committee on General Affairs 212
Jan. 22 11 Notice of hearing (2/1) 459
Feb. 3 19 Placed on General File - Com am #1867 665
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 945. By Haberman

Jan. 6 1 Read first time 171
Jan. 8 3 Referred to Committee on General Affairs 212
Jan. 22 11 Notice of hearing (2/1) 460
Feb. 3 19 Indefinitely postponed 665

LEGISLATIVE BILL 946. By Judiciary Committee

Jan. 6 1 Read first time 171
Jan. 8 3 Referred to Committee on Judiciary 212

Feb. 10 24 Notice of hearing (2/18) 775
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 947. By Judiciary Committee

Jan. 6 1 Read first time 172
Jan. 8 3 Referred to Committee on Judiciary 212
Feb. 10 24 Notice of hearing (2/18) 775
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 948. By Judiciary Committee

Jan. 6 1 Read first time 172
Jan. 8 3 Referred to Committee on Health and Human Services 212
Jan. 19 8 Notice of hearing (2/4) 370
Feb. 8 22 Placed on General File 732
Mar. 1 36 Advanced for Review 1109
Mar. 7 39 Placed on Select File - AM5374 1194
Mar. 8 40 AM5374 (E & R) adopted. Advanced for Engrossment 1264
Mar. 10 41 Correctly Engrossed 1286
Mar. 17 46 Final Reading 39-0-10 1485
Mar. 17 46 Speaker signed 1494
Mar. 17 46 Presented to Governor (3/17) 1495
Mar. 21 48 Approved by Governor (3/21) 1570

LEGISLATIVE BILL 949. By General Affairs Committee

Jan. 6 1 Read first time 172
Jan. 8 3 Referred to Committee on General Affairs 212
Jan. 13 6 Notice of hearing (1/25) 299
Feb. 17 27 Placed on General File - Com am #2049 (printed separate) 844
Feb. 18 28 General Affairs Committee priority bill 876
Mar. 2 37 Schmit amendment #2139 to committee amendment printed 1129
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 950. By R. Johnson

Jan. 6 1 Read first time 173
Jan. 8 3 Referred to Committee on Natural Resources 212
Feb. 2 18 Notice of hearing (2/24) 633
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 951. By Ashford

Jan.	6	1	Read first time	173
Jan.	8	3	Referred to Committee on Judiciary	212
Feb.	2	18	Notice of hearing (2/11)	644
Feb.	24	32	Attorney General's Opinion #88009 to Ashford	986
Feb.	25	33	Indefinitely postponed	1021

LEGISLATIVE BILL 952. By Coordsen, Schellpeper

Jan.	6	1	Read first time	173
Jan.	8	3	Referred to Committee on Revenue	212
Jan.	29	16	Notice of hearing (2/18)	561
Mar.	1	36	Indefinitely postponed	1098

LEGISLATIVE BILL 953. By Schmit

Jan.	6	1	Read first time	173
Jan.	8	3	Referred to Committee on Natural Resources	212
Jan.	13	6	Notice of hearing (1/20)	299
Jan.	25	12	Placed on General File	482
Feb.	3	19	Schmit amendment printed	662
Mar.	1	36	Advanced for Review	1103
Mar.	2	37	Placed on Select File	1132
Mar.	7	39	Schmit amendment #2411 printed	1224
Mar.	17	46	Schmit amendment #2496 printed	1473
Apr.	6	58	Schmit pending amendment p. 662 and pending amendment #2411 p. 1224 withdrawn. Schmit pending amendment #2496 p. 1473 adopted. Advanced for Engrossment	2117
Apr.	6	58	Correctly Engrossed. ER0331 change	2143
Apr.	8	60	Lynch motion to suspend rules prevailed	2209
Apr.	8	60	Final Reading 42-0-7	2225
Apr.	8	60	Speaker signed	2232
Apr.	8	60	Presented to Governor (4/8)	2244
Apr.	14	AJ	Approved by Governor (4/11)	2286

LEGISLATIVE BILL 954. By Chambers

Jan.	6	1	Read first time	174
Jan.	8	3	Referred to Committee on Judiciary	212
Jan.	12	5	Notice of hearing (1/20)	291
Feb.	11	25	Indefinitely postponed	812

LEGISLATIVE BILL 955. By Chambers

Jan.	6	1	Read first time	174
Jan.	8	3	Referred to Committee on Judicary	212
Jan.	19	8	Notice of hearing (1/29)	347
Feb.	2	18	Placed on General File	644
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 956. By Conway

Jan.	6	1	Read first time	174
Jan.	8	3	Referred to Committee on Judiciary	212
Jan.	26	13	Notice of hearing (2/3)	508
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 957. By Goodrich

Jan.	7	2	Read first time	179
Jan.	11	4	Referred to Committee on Banking, Commerce and Insurance	252
Jan.	12	5	Notice of hearing (1/19)	294
Jan.	22	11	Placed on General File	465
Feb.	8	22	Advanced for Review	729
Feb.	10	24	Placed on Select File	787
Feb.	18	28	Advanced for Engrossment	890
Feb.	23	31	Correctly Engrossed	942
Feb.	29	35	Final Reading w/E 45-0-4	1073
Feb.	29	35	Speaker signed	1077
Feb.	29	35	Presented to Governor (2/29)	1082
Mar.	2	37	Approved by Governor (3/1)	1118

LEGISLATIVE BILL 958. By Smith, Hartnett, Scofield

Jan.	7	2	Read first time	180
Jan.	11	4	Referred to Committee on Urban Affairs	252
Jan.	19	8	Notice of hearing (1/26)	370
Feb.	1	17	Placed on General File	623
Mar.	1	36	Advanced for Review	1107
Mar.	1	36	Coordsen amendment #2307 printed	1114
Mar.	3	38	Placed on Select File	1156
Mar.	7	39	Coordsen pending amendment #2307 p. 1114 withdrawn. Advanced for Engrossment	1220
Mar.	10	41	Correctly Engrossed	1286
Mar.	17	46	Final Reading 40-0-9	1486

Mar. 17 46 Speaker signed 1494
Mar. 17 46 Presented to Governor (3/17) 1495
Mar. 21 48 Approved by Governor (3/21) 1570

LEGISLATIVE BILL 959. By Smith, Hartnett, Scofield, Nelson

Jan. 7 2 Read first time 180
Jan. 11 4 Referred to Committee on Revenue 252
Jan. 20 9 Notice of hearing (1/28) 378
Jan. 29 16 Indefinitely postponed 586

LEGISLATIVE BILL 960. By Hefner

Jan. 7 2 Read first time 180
Jan. 11 4 Referred to Committee on General Affairs 252
Jan. 13 6 Nelson name added 320
Jan. 29 16 Notice of hearing (2/8) 565
Feb. 18 28 Indefinitely postponed 894

LEGISLATIVE BILL 961. By Hefner, Hartnett, Peterson

Jan. 7 2 Read first time 180
Jan. 11 4 Referred to Committee on Government, Military and Veterans Affairs 252
Jan. 11 4 Beyer name added 267
Jan. 13 6 Notice of hearing (1/21) 306
Jan. 27 14 Placed on General File - Com am #1757 531
Mar. 1 36 Committee amendment #1757 adopted. Advanced for Review 1104
Mar. 2 37 Placed on Select File - AM5355 1141
Mar. 7 39 AM5355 (E & R) adopted. Advanced for Engrossment 1219
Mar. 8 40 Correctly Engrossed 1280
Mar. 16 45 Final Reading 38-0-11 1445
Mar. 16 45 Speaker signed 1455
Mar. 16 45 Presented to Governor (3/16) 1458
Mar. 17 46 Approved by Governor (3/17) 1502

LEGISLATIVE BILL 962. By Warner

Jan. 7 2 Read first time 180
Jan. 11 4 Referred to Committee on Government, Military and Veteran Affairs 252
Jan. 13 6 Notice of hearing (1/22) 306
Jan. 27 14 Placed on General File 531

Feb.	8	22	Advanced for Review	730
Feb.	10	24	Placed on Select File - AM5326	790
Feb.	18	28	AM5326 (E & R) adopted. Baack amendment #1942 adopted. Advanced for Engrossment	891
Feb.	23	31	Correctly Engrossed. ER0249 change	952
Mar.	16	45	Final Reading 33-0-16	1443
Mar.	16	45	Speaker signed	1455
Mar.	16	45	Presented to Governor (3/16)	1458
Mar.	17	46	Approved by Governor (3/17)	1502

LEGISLATIVE BILL 963. By Schmit, Baack, Weihing

Jan.	7	2	Read first time	181
Jan.	11	4	Referred to Committee on Agriculture	252
Jan.	19	8	Notice of hearing (1/26)	362
Feb.	8	22	Weihing priority bill	734
Feb.	11	25	Placed on General File - Com am #1978	792
Feb.	18	28	Baack amendment #2078 printed	879
Feb.	19	29	Correction	898
Feb.	19	29	Committee amendment #1978 adopted. Baack pending amendment #2078 p. 879 (correction p. 898) adopted as amended by Schmit amendment. Advanced for Review	915
Feb.	25	33	Placed on Select File - AM5337	1000
Feb.	26	34	AM5337 (E & R) adopted. Advanced for Engrossment	1054
Mar.	1	36	Correctly Engrossed	1088
Mar.	10	41	Lynch motion to suspend rules prevailed	1296
Mar.	10	41	Final Reading w/E 38-4-7	1297
Mar.	10	41	Speaker signed	1303
Mar.	10	41	Presented to Governor (3/10)	1305
Mar.	14	43	Approved by Governor (3/14)	1381

LEGISLATIVE BILL 963A. By Weihing

Feb.	23	31	Read first time. Placed on General File	940
Feb.	26	34	Advanced for Review	1054
Feb.	29	35	Placed on Select File - AM5350	1078
Mar.	2	37	AM5350 (E & R) adopted. Advanced for Engrossment	1128
Mar.	7	39	Correctly Engrossed	1223
Mar.	10	41	Lynch motion to suspend rules prevailed	1296
Mar.	10	41	Final Reading w/E 44-0-5	1298
Mar.	10	41	Speaker signed	1303

Mar. 10 41 Presented to Governor (3/10) 1305
Mar. 14 43 Approved by Governor (3/14) 1381

LEGISLATIVE BILL 964. By Schmit

Jan. 7 2 Read first time 181
Jan. 11 4 Referred to Committee on Natural Resources 252
Jan. 21 10 Notice of hearing (1/28) 441
Feb. 9 23 Placed on General File - Com am #1717 741
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 965. By Withem

Jan. 7 2 Read first time 181
Jan. 11 4 Referred to Committee on Nebraska Retirement Systems 252
Jan. 25 12 Notice of hearing (2/2) 500
Feb. 3 19 Indefinitely postponed 659

LEGISLATIVE BILL 966. By Scofield, Wesely

Jan. 7 2 Read first time 181
Jan. 11 4 Referred to Committee on Health and Human Services 253
Jan. 19 8 Notice of hearing (1/29) 369
Feb. 2 18 Placed on General File - Com am #1824 ..... 646 (printed separate)
Feb. 22 30 Speaker Barrett priority bill 931
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 966A. By Scofield

Feb. 16 26 Read first time. Placed on General File 832
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 967. By Abboud

Jan. 7 2 Read first time 181
Jan. 11 4 Referred to Committee on Health and Human Services 253
Jan. 21 10 Notice of hearing (2/10) 413
Feb. 24 32 Indefinitely postponed 970

LEGISLATIVE BILL 968. By Pirsch

Jan.	7	2	Read first time	182
Jan.	11	4	Referred to Committee on Judiciary	253
Feb.	2	18	Notice of hearing (2/11)	644
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 969. By Peterson

Jan.	7	2	Read first time	187
Jan.	11	4	Referred to Committee on Transportation	253
Jan.	25	12	Notice of hearing (2/2)	500
Feb.	10	24	Placed on General File	781
Mar.	1	36	Advanced for Review	1110
Mar.	7	39	Placed on Select File	1194
Mar.	8	40	Advanced for Engrossment	1264
Mar.	10	41	Correctly Engrossed	1317
Mar.	17	46	Final Reading 41-0-8	1486
Mar.	17	46	Speaker signed	1494
Mar.	17	46	Presented to Governor (3/17)	1495
Mar.	21	48	Approved by Governor (3/21)	1570

LEGISLATIVE BILL 970. By Wehrbein, Baack

Jan.	7	2	Read first time	187
Jan.	11	4	Referred to Committee on Education	253
Jan.	22	11	Notice of hearing (2/1)	460
Feb.	3	19	Placed on General File - Com am #1828	660
Mar.	1	36	Committee amendment #1828 adopted. Advanced for Review	1109
Mar.	7	39	Placed on Select File	1193
Mar.	8	40	Advanced for Engrossment	1264
Mar.	10	41	Correctly Engrossed	1286
Mar.	17	46	Final Reading 42-0-7	1487
Mar.	17	46	Speaker signed	1494
Mar.	17	46	Presented to Governor (3/17)	1495
Mar.	21	48	Approved by Governor (3/21)	1570

LEGISLATIVE BILL 971. By General Affairs Committee

Jan.	7	2	Read first time	187
Jan.	11	4	Referred to Committee on General Affairs	253
Feb.	4	20	Notice of hearing (2/22)	673
Feb.	23	31	Indefinitely postponed	953

LEGISLATIVE BILL 972. By Haberman, Conway, Elmer, Rogers, Goodrich, Schellpeper, Bernard-Stevens, Johanns, Miller, Schmit,

Coordsen, Hefner, Dierks, Lamb, Remmers, R. Johnson, Weihing, Labedz, Beyer, Wehrbein, Campbell, Baack, Moore, Peterson, Lynch, Higgins

Jan.	7	2	Read first time	188
Jan.	11	4	Referred to Committee on Revenue	253
Jan.	13	6	Rogers and Abboud names added	302
Jan.	14	7	Notice of hearing (1/21)	332
Jan.	27	14	Placed on General File - Com am #1751	532
Feb.	16	26	Haberman priority bill	822
Feb.	23	31	Haberman amendment #2119 to committee amendment printed	944
Feb.	24	32	Committee amendment #1751 adopted as amended by Haberman pending amendment #2119 p. 944. Advanced for Review	982
Feb.	26	34	Placed on Select File - AM5346	1041
Feb.	26	34	V. Johnson amendment #2172 printed separate	1047
Feb.	26	34	Haberman amendment #2233 to amendment #2119 printed	1057
Feb.	26	34	Moore name withdrawn	1058
Mar.	1	36	Haberman amendment #2245 to amendment #2172 printed	1100
Mar.	10	41	R. Johnson amendment #2427 printed separate	1326
Mar.	11	42	Wehrbein name withdrawn	1342
Mar.	29	54	AM5346 (E & R) adopted. Haberman pending amendment #2233 p. 1057, V. Johnson pending amendment #2172 p. 1047, Haberman pending amendment #2245 p. 1100 and R. Johnson pending amendment #2427 p. 1326 withdrawn. Barrett amendment adopted. Failed to advance for Engrossment	1871
Apr.	6	58	Failed to advance for Engrossment. Stands indefinitely postponed	2116

LEGISLATIVE BILL 972A. By Haberman

Feb.	1	17	Read first time. Placed on General File	620
Feb.	24	32	Advanced for Review	984
Feb.	26	34	Placed on Select File	1042
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 973. By Johanns

Jan.	7	2	Read first time	188

Jan.	11	4	Referred to Committee on Urban Affairs	253
Jan.	29	16	Notice of hearing (2/9)	562
Feb.	16	26	Placed on General File	841
Mar.	1	36	Advanced for Review	1112
Mar.	7	39	Placed on Select File	1196
Mar.	8	40	Advanced for Engrossment	1265
Mar.	10	41	Correctly Engrossed	1317
Mar.	17	46	Final Reading 42-0-7	1488
Mar.	17	46	Speaker signed	1494
Mar.	17	46	Presented to Governor (3/17)	1495
Mar.	21	48	Approved by Governor (3/21)	1570

LEGISLATIVE BILL 974. By Chizek, Nelson

Jan.	7	2	Read first time	190
Jan.	11	4	Referred to Committee on Government, Military and Veterans Affairs	253
Jan.	13	6	Notice of hearing (1/21)	306
Feb.	4	20	Placed on General File - Com am #1836	684
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 975. By Morehead

Jan.	7	2	Read first time	190
Jan.	11	4	Referred to Committee on Urban Affairs	253
Jan.	12	5	Notice of hearing (1/19)	294
Jan.	22	11	Placed on General File	459
Feb.	8	22	Advanced for Review	729
Feb.	10	24	Placed on Select File - AM5318	786
Feb.	11	25	Dierks amendment #1971 printed	803
Feb.	18	28	AM5318 (E & R) adopted. Dierks pending amendment #1971 p. 803 adopted. Advanced for Engrossment	890
Feb.	23	31	Correctly Engrossed. ER0248 change	942
Feb.	29	35	Final Reading 46-0-3	1074
Feb.	29	35	Speaker signed	1077
Feb.	29	35	Presented to Governor (2/29)	1082
Mar.	2	37	Approved by Governor (3/1)	1118

LEGISLATIVE BILL 976. By Morehead

Jan.	7	2	Read first time	191
Jan.	11	4	Referred to Committee on Urban Affairs	253
Jan.	12	5	Notice of hearing (1/19)	294
Feb.	1	17	Placed on General File - Com am #1782	623

Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 977. By Conway, Schellpeper

Jan. 7 2 Read first time 191
Jan. 11 4 Referred to Committee on Government, Military and Veterans Affairs 253
Feb. 2 18 Notice of hearing (2/10) 640
Feb. 16 26 Placed on General File 835
Mar. 1 36 Advanced for Review 1112
Mar. 7 39 Placed on Select File 1195
Mar. 8 40 Advanced for Engrossment 1265
Mar. 10 41 Correctly Engrossed 1317
Mar. 17 46 Final Reading 41-0-8 1489
Mar. 17 46 Speaker signed 1494
Mar. 17 46 Presented to Governor (3/17) 1495
Mar. 21 48 Approved by Governor (3/21) 1570

LEGISLATIVE BILL 978. By Wesely

Jan. 7 2 Read first time 191
Jan. 11 4 Referred to Committee on General Affairs 253
Jan. 13 6 Notice of hearing (1/25) 299
Feb. 1 17 Placed on General File 620
Mar. 1 36 Advanced for Review 1107
Mar. 3 38 Placed on Select File - AM5368 1155
Mar. 18 47 Wesely amendment #2651 printed 1527
Mar. 21 48 Morehead amendment #2659 printed 1571
Apr. 5 57 Wesely amendment #2943 printed 2044
Apr. 6 58 AM5368 (E & R) adopted. Wesely pending amendments #2651 p. 1527 and #2943 p. 2044 withdrawn. Morehead pending amendment #2659 p. 1571 withdrawn. Wesely motion to suspend rules and permit consideration of Wesely-V. Johnson amendment #2695 lost. Marsh-Wesely amendment #2900 ruled not germane. Marsh motion to suspend rules prevailed. Marsh-Wesely amendment #2900 adopted. Advanced for Engrossment 2118
Apr. 6 58 Correctly Engrossed. ER0333 change 2143
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading 43-0-6 2226
Apr. 8 60 Speaker signed 2232

Apr.	8	60	Presented to Governor (4/8)	2244
Apr.	14	AJ	Approved by Governor (4/11)	2286

LEGISLATIVE BILL 979. By Lynch

Jan.	7	2	Read first time	195
Jan.	11	4	Referred to Committee on Education	253
Jan.	28	15	Notice of hearing (3/1)	552
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 980. By Abboud

Jan.	7	2	Read first time	195
Jan.	11	4	Referred to Committee on Agriculture	253
Jan.	12	5	Notice of hearing (1/19)	276
Jan.	20	9	Placed on General File	398
Feb.	8	22	Advanced for Review	727
Feb.	10	24	Placed on Select File - AM5320	785
Feb.	18	28	AM5320 (E & R) adopted. Advanced for Engrossment	889
Feb.	23	31	Correctly Engrossed	938
Mar.	10	41	Lynch motion to suspend rules prevailed	1296
Mar.	10	41	Final Reading 43-0-6	1299
Mar.	10	41	Speaker signed	1303
Mar.	10	41	Presented to Governor (3/10)	1305
Mar.	14	43	Approved by Governor (3/14)	1381

LEGISLATIVE BILL 980A. By Abboud

Feb.	23	31	Read first time. Placed on General File	951
Feb.	26	34	Advanced for Review	1053
Feb.	29	35	Placed on Select File	1078
Mar.	2	37	Advanced for Engrossment	1128
Mar.	7	39	Correctly Engrossed	1223
Mar.	10	41	Lynch motion to suspend rules prevailed	1296
Mar.	10	41	Final Reading 45-0-4	1300
Mar.	10	41	Speaker signed	1303
Mar.	10	41	Presented to Governor (3/10)	1305
Mar.	14	43	Approved by Governor (3/14)	1381

LEGISLATIVE BILL 981. By Urban Affairs Committee (Introducer Correction)

Jan.	7	2	Read first time	195
Jan.	11	4	Referred to Committee on Urban Affairs	253

Jan. 19 8 Notice of hearing (1/26) 370
Feb. 16 26 Indefinitely postponed 843
Mar. 16 45 Attorney General's Opinion #88023 to Hartnett and Urban Affairs Committee 1431

LEGISLATIVE BILL 982. By Chizek

Jan. 7 2 Read first time 199
Jan. 11 4 Referred to Committee on Judiciary 253
Feb. 17 27 Notice of hearing (2/24) 857
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 983. By Korshoj, Hefner, Moore, Hartnett, Pirsch, Ashford, Nelson, Coordsen, Schellpeper, Dierks, Conway

Jan. 7 2 Read first time 199
Jan. 11 4 Referred to Committee on Judiciary 253
Jan. 19 8 Notice of hearing (1/27) 347
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 984. By Haberman

Jan. 7 2 Read first time 200
Jan. 11 4 Referred to Committee on Banking, Commerce and Insurance 253
Jan. 14 7 Notice of hearing (1/26) 325
Jan. 28 15 Placed on General File 554
Mar. 1 36 Advanced for Review 1105
Mar. 3 38 Placed on Select File - AM5359 1154
Mar. 7 39 AM5359 (E & R) adopted. Advanced for Engrossment 1220
Mar. 10 41 Correctly Engrossed 1286
Mar. 10 41 ER0277 change 1287
Mar. 17 46 Final Reading w/E 42-0-7 1489
Mar. 17 46 Speaker signed 1494
Mar. 17 46 Presented to Governor (3/17) 1495
Mar. 21 48 Approved by Governor (3/21) 1570

LEGISLATIVE BILL 985. By Beyer

Jan. 7 2 Read first time 200
Jan. 11 4 Referred to Committee on Government, Military and Veterans Affairs 253
Feb. 2 18 Notice of hearing (2/10) 640
Feb. 16 26 Indefinitely postponed 835

LEGISLATIVE BILL 986. By Korshoj

Jan.	7	2	Read first time	200
Jan.	11	4	Referred to Committee on Judiciary	253
Feb.	17	27	Notice of hearing (2/24)	857
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 987. By Remmers, Rogers, R. Johnson

Jan.	7	2	Read first time	200
Jan.	11	4	Referred to Committee on Banking, Commerce and Insurance	253
Jan.	12	5	Notice of hearing (1/19)	294
Jan.	28	15	Placed on General File - Com am #1764	554
Feb.	19	29	Remmers priority bill	907
Mar.	2	37	Committee amendment #1764 adopted. Elmer amendment withdrawn. Conway amendment #2322 adopted. Advanced for Review	1125
Mar.	7	39	Placed on Select File - AM5386	1208
Mar.	10	41	Dierks amendment #2216 printed	1308
Mar.	11	42	Remmers amendment #2534 printed	1349
Mar.	29	54	Dierks amendment #2533 printed	1854
Mar.	29	54	AM5386 (E & R) adopted. Remmers pending amendment #2534 p. 1349 adopted. Dierks pending amendments #2216 p. 1308 and #2533 p. 1854 withdrawn. Advanced for Engrossment	1877
Mar.	30	55	Correctly Engrossed	1938
Mar.	30	55	ER0299 change	1939
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Final Reading w/E 42-1-6	2153
Apr.	7	59	Speaker signed	2168
Apr.	7	59	Presented to Governor (4/7)	2169
Apr.	8	60	Approved by Governor (4/7)	2243

LEGISLATIVE BILL 987A. By Remmers

Feb.	2	18	Read first time. Placed on General File	645
Mar.	2	37	Advanced for Review	1127
Mar.	7	39	Placed on Select File	1208
Mar.	29	54	Advanced for Engrossment	1877
Mar.	30	55	Correctly Engrossed	1938
Apr.	7	59	Lynch motion to suspend rules prevailed	2151

Apr. 7 59 Final Reading 42-1-6 2154
Apr. 7 59 Speaker signed 2168
Apr. 7 59 Presented to Governor (4/7) 2169
Apr. 8 60 Approved by Governor (4/7) 2243

LEGISLATIVE BILL 988. By Abboud, Pirsch, Coordsen, Ashford

Jan. 7 2 Read first time 201
Jan. 11 4 Referred to Committee on Judiciary 253
Jan. 19 8 Notice of hearing (1/28) 347
Feb. 2 18 Indefinitely postponed 644
Feb. 3 19 Abboud motion to place on General File laid over 648
Feb. 5 21 Abboud pending motion p. 648 lost 696

LEGISLATIVE BILL 989. By Korshoj, Hall

Jan. 7 2 Read first time 201
Jan. 11 4 Referred to Committee on Judiciary 253
Jan. 19 8 Notice of hearing (1/29) 347
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 990. By Wesely

Jan. 7 2 Read first time 201
Jan. 11 4 Referred to Committee on Judiciary 253
Jan. 26 13 Notice of hearing (2/3) 508
Feb. 22 30 Speaker Barrett priority bill 931
Feb. 24 32 Placed on General File - Com am #1950 982
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 991. By Korshoj

Jan. 7 2 Read first time 203
Jan. 11 4 Referred to Committee on Judiciary 253
Jan. 26 13 Notice of hearing (2/4) 508
Feb. 11 25 Indefinitely postponed 812

LEGISLATIVE BILL 992. By Education Committee and Ashford, Bernard-Stevens, Elmer, Hefner, Miller, Weihing

Jan. 7 2 Read first time 204
Jan. 11 4 Referred to Committee on Education 253
Jan. 14 7 Notice of hearing (1/25) 332
Jan. 26 13 Placed on General File 512

Feb. 1 17 Correction 597
Feb. 3 19 Smith name added 652
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 993. By Banking, Commerce and Insurance Committee

Jan. 7 2 Read first time 204
Jan. 11 4 Referred to Committee on Banking, Commerce and Insurance 253
Jan. 14 7 Notice of hearing (1/25) 325
Jan. 27 14 Placed on General File 531
Feb. 8 22 Advanced for Review 730
Feb. 10 24 Placed on Select File - AM5327 790
Feb. 18 28 Advanced for Engrossment 892
Feb. 23 31 Correctly Engrossed 952
Feb. 23 31 ER0242 change 953
Feb. 29 35 Final Reading 48-0-1 1075
Feb. 29 35 Speaker signed 1077
Feb. 29 35 Presented to Governor (2/29) 1082
Mar. 2 37 Approved by Governor (3/1) 1118

LEGISLATIVE BILL 994. By Banking, Commerce and Insurance Committee

Jan. 7 2 Read first time 204
Jan. 11 4 Referred to Committee on Banking, Commerce and Insurance 253
Jan. 14 7 Notice of hearing (1/25) 325
Jan. 27 14 Placed on General File 532
Feb. 8 22 Advanced for Review 730
Feb. 10 24 Placed on Select File - AM5321 790
Feb. 18 28 AM5321 (E & R) adopted. Advanced for Engrossment 892
Feb. 23 31 Correctly Engrossed 952
Feb. 23 31 ER0256 change 953
Feb. 29 35 Final Reading 48-0-1 1075
Feb. 29 35 Speaker signed 1077
Feb. 29 35 Presented to Governor (2/29) 1082
Mar. 2 37 Approved by Governor (3/1) 1118

LEGISLATIVE BILL 995. By Banking, Commerce and Insurance Committee

Jan. 7 2 Read first time 204

Jan. 11 4 Referred to Committee on Banking, Commerce and Insurance 253
Jan. 14 7 Notice of hearing (1/25) 325
Jan. 27 14 Placed on General File 532
Feb. 8 22 Advanced for Review 730
Feb. 10 24 Placed on Select File - AM5328 791
Feb. 18 28 AM5328 (E & R) adopted. Advanced for Engrossment 892
Feb. 23 31 Correctly Engrossed 952
Feb. 29 35 Final Reading 48-0-1 1076
Feb. 29 35 Speaker signed 1077
Feb. 29 35 Presented to Governor (2/29) 1082
Mar. 2 37 Approved by Governor (3/1) 1118

LEGISLATIVE BILL 996. By Banking, Commerce and Insurance Committee

Jan. 7 2 Read first time 204
Jan. 11 4 Referred to Committee on Banking, Commerce and Insurance 253
Jan. 14 7 Notice of hearing (1/25) 325
Jan. 27 14 Placed on General File 532
Feb. 8 22 Advanced for Review 730
Feb. 10 24 Placed on Select File - AM5329 791
Feb. 23 31 Remmers amendment #2113 printed 945
Mar. 3 38 AM5329 (E & R) adopted. Remmers pending amendment #2113 p. 945 and Conway amendment #2064 adopted. Advanced for Engrossment 1174
Mar. 8 40 Correctly Engrossed 1257
Mar. 8 40 ER0268 change 1260
Mar. 16 45 Final Reading 41-0-8 1446
Mar. 16 45 Speaker signed 1455
Mar. 16 45 Presented to Governor (3/16) 1458
Mar. 17 46 Approved by Governor (3/17) 1502

LEGISLATIVE BILL 997. By Banking, Commerce and Insurance Committee

Jan. 7 2 Read first time 205
Jan. 11 4 Referred to Committee on Banking, Commerce and Insurance 253
Jan. 14 7 Notice of hearing (1/25) 325
Jan. 28 15 Placed on General File - Com am #1765 554
Feb. 22 30 Speaker Barrett priority bill 931

Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 998. By Banking, Commerce and Insurance Committee

Jan. 7 2 Read first time 205
Jan. 11 4 Referred to Committee on Banking, Commerce and Insurance 253
Jan. 14 7 Notice of hearing (1/25) 325
Jan. 28 15 Placed on General File - Com am #1716 555
Feb. 19 29 Banking, Commerce and Insurance Committee priority bill 907
Mar. 31 56 Committee amendment #1716 adopted. Advanced for Review 1974
Apr. 5 57 Placed on Select File - AM5439 1997
Apr. 6 58 AM5439 (E & R) adopted. Advanced for Engrossment 2083
Apr. 6 58 Correctly Engrossed 2095
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading 43-0-6 2227
Apr. 8 60 Speaker signed 2232
Apr. 8 60 Presented to Governor (4/8) 2244
Apr. 14 AJ Approved by Governor (4/11) 2286

LEGISLATIVE BILL 999. By Landis, Ashford

Jan. 7 2 Read first time 205
Jan. 11 4 Referred to Committee on Revenue 253
Jan. 29 16 Notice of hearing (2/24) 561
Feb. 29 35 Indefinitely postponed 1086

LEGISLATIVE BILL 1000. By Landis, Hefner

Jan. 7 2 Read first time 206
Jan. 11 4 Referred to Committee on Transportation 253
Jan. 29 16 Notice of hearing (2/9) 591
Feb. 19 29 Indefinitely postponed 905

LEGISLATIVE BILL 1001. By Korshoj

Jan. 8 3 Read first time 214
Jan. 11 4 Referred to Committee on Government, Military and Veterans Affairs 253
Jan. 27 14 Notice of hearing (2/5) 533
Feb. 23 31 Indefinitely postponed 938

LEGISLATIVE BILL 1002. By Hefner

Jan. 8 3 Read first time 214
Jan. 11 4 Referred to Committee on Natural Resources 253
Jan. 11 4 Conway name added 267
Jan. 21 10 Notice of hearing (1/28) 441
Feb. 9 23 Placed on General File - Com am #1926 741
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1003. By Hefner

Jan. 8 3 Read first time 214
Jan. 11 4 Referred to Committee on Education 253
Jan. 28 15 Notice of hearing (2/29) 552
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1004. By Transportation Committee

Jan. 8 3 Read first time 215
Jan. 11 4 Referred to Committee on Transportation 253
Jan. 12 5 Notice of hearing (1/19) 274
Jan. 22 11 Placed on General File - Com am #1678 458
Feb. 19 29 Transportation Committee priority bill 907
Mar. 31 56 Committee amendment #1678 adopted.
Advanced for Review 1972
Apr. 5 57 Placed on Select File - AM5436 1995
Apr. 6 58 AM5436 (E & R) adopted.
Advanced for Engrossment 2082
Apr. 6 58 Correctly Engrossed. ER0322 change 2091
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading 45-0-4 2228
Apr. 8 60 Speaker signed 2232
Apr. 8 60 Presented to Governor (4/8) 2244
Apr. 14 AJ Approved by Governor (4/11) 2286

LEGISLATIVE BILL 1005. By Transportation Committee

Jan. 8 3 Read first time 215
Jan. 11 4 Referred to Committee on Transportation 253
Jan. 29 16 Notice of hearing (2/16) 591
Feb. 23 31 Placed on General File 958
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1006. By Transportation Committee

Jan.	8	3	Read first time	215
Jan.	11	4	Referred to Committee on Transportation	253
Jan.	19	8	Notice of hearing (1/26)	353
Jan.	29	16	Placed on General File - Com am #1779	592
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1007. By Transportation Committee

Jan.	8	3	Read first time	215
Jan.	11	4	Referred to Committee on Transportation	253
Jan.	29	16	Notice of hearing (2/8)	591
Feb.	16	26	Placed on General File - Com am #1995	833
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1008. By Morehead

Jan.	8	3	Read first time	216
Jan.	11	4	Referred to Committee on Transportation	253
Jan.	19	8	Notice of hearing (1/26)	353
Jan.	29	16	Placed on General File	592
Mar.	1	36	Advanced for Review	1107
Mar.	3	38	Placed on Select File - AM5363	1154
Mar.	21	48	Johanns-Campbell-Withem-Schmit amendment #2570 printed	1539
Apr.	6	58	AM5363 (E & R) adopted. Morehead amendment #2370, Johanns et al pending amendment #2570 p. 1539 and Smith amendment adopted. Advanced for Engrossment	2117
Apr.	6	58	Correctly Engrossed	2143
Apr.	6	58	ER0332 change	2144
Apr.	8	60	Lynch motion to suspend rules prevailed	2209
Apr.	8	60	Final Reading 44-1-4	2229
Apr.	8	60	Speaker signed	2234
Apr.	8	60	Presented to Governor (4/8)	2244
Apr.	14	AJ	Returned by Governor without approval (4/13)	2302

LEGISLATIVE BILL 1008A. By Morehead

Feb.	3	19	Read first time. Placed on General File	661
Mar.	1	36	Advanced for Review	1107
Mar.	3	38	Placed on Select File	1155
Apr.	6	58	Advanced for Engrossment	2118
Apr.	6	58	Correctly Engrossed	2143

Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading 42-0-7 2230
Apr. 8 60 Speaker signed 2234
Apr. 8 60 Presented to Governor (4/8) 2244
Apr. 14 AJ Returned by Governor without approval (4/13) . 2302

LEGISLATIVE BILL 1009. By Lamb, Moore

Jan. 8 3 Read first time 216
Jan. 11 4 Referred to Committee on Transportation 253
Jan. 12 5 Notice of hearing (1/19) 274
Jan. 22 11 Placed on General File - Com am #1685 459
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1010. By Health and Human Services Committee

Jan. 8 3 Read first time 217
Jan. 11 4 Referred to Committee on Health and Human Services 254
Jan. 12 5 Notice of hearing (1/21) 294
Jan. 25 12 Placed on General File 488
Feb. 18 28 Wesely amendment #2073 printed 893
Mar. 1 36 Wesely pending amendment #2073 p. 893 adopted. Advanced for Review 1104
Mar. 2 37 Placed on Select File 1132
Mar. 7 39 Advanced for Engrossment 1219
Mar. 8 40 Correctly Engrossed 1280
Mar. 16 45 Final Reading 42-0-7 1447
Mar. 16 45 Speaker signed 1455
Mar. 16 45 Presented to Governor (3/16) 1458
Mar. 17 46 Approved by Governor (3/17) 1502

LEGISLATIVE BILL 1011. By Health and Human Services Committee

Jan. 8 3 Read first time 218
Jan. 11 4 Referred to Committee on Health and Human Services 254
Jan. 12 5 Notice of hearing (1/21) 294
Jan. 25 12 Placed on General File - Com am #1720 488
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1011A. By Wesely

Feb. 3 19 Read first time. Placed on General File 667
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1012. By Health and Human Services Committee

Jan. 8 3 Read first time 218
Jan. 11 4 Referred to Committee on Health and Human Services 254
Jan. 12 5 Notice of hearing (1/20) 293
Jan. 25 12 Placed on General File - Com am #1721 488
Feb. 1 17 Committee amendment #1721 adopted. Advanced for Review 617
Feb. 2 18 Placed on Select File - AM5307 632
Feb. 4 20 Chambers name added 679
Feb. 19 29 Health and Human Services Committee priority bill 924
Feb. 24 32 Chambers amendment #2169 printed 996
Feb. 25 33 Abboud amendment #1934 printed 1013
Feb. 29 35 Abboud amendment #2238 printed 1065
Mar. 3 38 AM5307 (E & R) adopted. Chambers pending amendment #2169 p. 996 adopted. Abboud pending amendment #2238 p. 1065 lost. Abboud pending amendment #1934 p. 1013 withdrawn. Advanced for Engrossment 1165
Mar. 8 40 Correctly Engrossed 1257
Mar. 8 40 ER0267 change 1261
Mar. 31 56 Final Reading w/E 45-0-4 1961
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 7 59 Approved by Governor (4/6) 2173

LEGISLATIVE BILL 1012A. By Wesely

Feb. 4 20 Read first time. Placed on General File 675
Feb. 26 34 Wesely amendment #2212 adopted. Advanced for Review 1053
Feb. 29 35 Placed on Select File 1078
Mar. 3 38 Advanced for Engrossment 1166
Mar. 8 40 Correctly Engrossed 1257
Mar. 31 56 Final Reading 44-0-5 1962
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 7 59 Approved by Governor (4/6) 2173

LEGISLATIVE BILL 1013. By Health and Human Services Committee

Jan.	8	3	Read first time	218
Jan.	11	4	Referred to Committee on Health and Human Services	254
Jan.	12	5	Notice of hearing (1/21)	294
Feb.	1	17	Placed on General File - Com am #1823	625
Mar.	1	36	Committee amendment #1823 adopted. Advanced for Review	1107
Mar.	3	38	Placed on Select File - AM5364	1156
Mar.	7	39	AM5364 (E & R) adopted. Advanced for Engrossment	1220
Mar.	10	41	Correctly Engrossed	1286
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Final Reading 45-0-4	2158
Apr.	7	59	Speaker signed	2168
Apr.	7	59	Presented to Governor (4/7)	2169
Apr.	8	60	Approved by Governor (4/7)	2243

LEGISLATIVE BILL 1013A. By Wesely

Feb.	3	19	Read first time. Placed on General File	661
Mar.	1	36	Advanced for Review	1107
Mar.	3	38	Placed on Select File	1156
Mar.	7	39	Advanced for Engrossment	1220
Mar.	10	41	Correctly Engrossed	1286
Mar.	16	45	Wesely amendment #2440 printed	1465
Mar.	30	55	Returned to Select File for Wesely amendment. Wesely pending amendment #2440 p. 1465 adopted. Advanced for Re-Engrossment	1885
Mar.	31	56	Correctly Re-Engrossed	1970
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Final Reading 43-0-6	2159
Apr.	7	59	Speaker signed	2168
Apr.	7	59	Presented to Governor (4/7)	2169
Apr.	8	60	Approved by Governor (4/7)	2243

LEGISLATIVE BILL 1014. By Health and Human Services Committee

Jan.	8	3	Read first time	219
Jan.	11	4	Referred to Committee on Health and	

Human Services 254
Jan. 12 5 Notice of hearing (1/22) 294
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1015. By Health and Human Services Committee

Jan. 8 3 Read first time 219
Jan. 11 4 Referred to Committee on Health and Human Services 254
Jan. 19 8 Notice of hearing (2/4) 370
Feb. 9 23 Placed on General File - Com am #1938 762
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1015A. By Wesely

Feb. 19 29 Read first time. Placed on General File 914
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1016. By Withem

Jan. 8 3 Read first time 219
Jan. 11 4 Referred to Committee on Urban Affairs 254
Jan. 12 5 Notice of hearing (1/19) 294
Feb. 1 17 Placed on General File - Com am #1781 624
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1017. By Moore

Jan. 8 3 Read first time 219
Jan. 11 4 Referred to Committee on Health and Human Services 254
Jan. 21 10 Notice of hearing (2/10) 413
Feb. 24 32 Indefinitely postponed 970

LEGISLATIVE BILL 1018. By Moore

Jan. 8 3 Read first time 220
Jan. 11 4 Referred to Committee on Revenue 254
Jan. 29 16 Notice of hearing (2/18) 561
Feb. 29 35 Indefinitely postponed 1086

LEGISLATIVE BILL 1019. By Withem

Jan. 8 3 Read first time 220

Jan. 11 4 Referred to Committee on Transportation 254
Jan. 29 16 Notice of hearing (2/9) 591
Feb. 11 25 Placed on General File - Com am #1973 818
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1020. By Landis

Jan. 8 3 Read first time 220
Jan. 11 4 Referred to Committee on Judiciary 254
Feb. 2 18 Notice of hearing (2/10) 644
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1021. By Landis

Jan. 8 3 Read first time 220
Jan. 11 4 Referred to Committee on Banking, Commerce and Insurance 254
Jan. 14 7 Notice of hearing (1/26) 325
Jan. 28 15 Placed on General File - Com am #1773 556
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1022. By Schmit

Jan. 8 3 Read first time 220
Jan. 11 4 Referred to Committee on Natural Resources 254
Jan. 27 14 Notice of hearing (2/3) 527
Feb. 9 23 Indefinitely postponed 742

LEGISLATIVE BILL 1023. By R. Johnson

Jan. 8 3 Read first time 220
Jan. 11 4 Referred to Committee on Natural Resources 254
Jan. 27 14 Notice of hearing (2/4) 527
Feb. 23 31 Indefinitely postponed 943

LEGISLATIVE BILL 1024. By Abboud

Jan. 8 3 Read first time 221
Jan. 11 4 Referred to Committee on Revenue 254
Jan. 29 16 Notice of hearing (2/25) 562
Feb. 29 35 Indefinitely postponed 1086

LEGISLATIVE BILL 1025. By Remmers, Baack

Jan.	8	3	Read first time	221
Jan.	11	4	Referred to Committee on Banking, Commerce and Insurance	254
Jan.	14	7	Notice of hearing (1/26)	325
Jan.	28	15	Placed on General File - Com am #1772	557
Feb.	22	30	Speaker Barrett priority bill	931
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1026. By Schellpeper, Goodrich, Ashford

Jan.	8	3	Read first time	221
Jan.	11	4	Referred to Committee on Health and Human Services	254
Jan.	19	8	Notice of hearing (1/29)	369
Feb.	23	31	Placed on General File - Com am #2173	954
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1026A. By Schellpeper

Mar.	2	37	Read first time. Placed on General File	1125
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1027. By Withem, Nelson

Jan.	8	3	Read first time	225
Jan.	11	4	Referred to Committee on Transportation	254
Jan.	11	4	Wehrbein name added	267
Jan.	25	12	Notice of hearing (2/2)	500
Feb.	19	29	Indefinitely postponed	905

LEGISLATIVE BILL 1028. By Marsh

Jan.	8	3	Read first time	225
Jan.	11	4	Referred to Committee on Education	254
Jan.	28	15	Notice of hearing (2/16)	551
Feb.	17	27	Placed on General File	860
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1028A. By Marsh

Feb.	25	33	Read first time. Placed on General File	1021
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1029. By Moore, Higgins, Abboud, Marsh, Labedz, R. Johnson, Hartnett, Schmit, Lynch, Korshoj

Jan.	8	3	Read first time	225
Jan.	11	4	Referred to Committee on Appropriations	254
Jan.	12	5	Smith name added	275
Feb.	1	17	Notice of hearing (2/8)	616
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1029A. By Moore, Marsh, Abboud, Labedz, R. Johnson, Hartnett, Higgins, Lynch, Korshoj, V. Johnson, Schmit

Jan.	22	11	Read first time. Placed on General File. Moore motion to suspend rules and refer to Appropriations Committee laid over	460
Jan.	25	12	Moore pending motion p. 460 prevailed. Referred to Appropriations Committee	484
Feb.	1	17	Notice of hearing (2/8)	616
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1030. By L. Johnson, Pirsch, Conway, Hartnett, Campbell, Abboud

Jan.	8	3	Read first time	225
Jan.	11	4	Referred to Committee on Judiciary	254
Jan.	13	6	Peterson name added	316
Feb.	2	18	Notice of hearing (2/10)	644
Feb.	19	29	Campbell priority bill	907
Feb.	24	32	Placed on General File	980
Mar.	8	40	L. Johnson-Abboud-Hartnett-Conway-Campbell-Pirsch amendment #2005 printed	1254
Mar.	11	42	L. Johnson et al pending amendment #2005 p. 1254 adopted. Advanced for Review	1347
Mar.	14	43	Baack amendment #2221 printed	1367
Mar.	14	43	Placed on Select File - AM5404	1384
Mar.	30	55	AM5404 (E & R) adopted. Baack pending amendment #2221 p. 1367, Chizek amendments #2587 and #2594 (on file) and Campbell amendment #2859 adopted. Advanced for Engrossment	1929
Apr.	5	57	Correctly Engrossed	1999
Apr.	5	57	ER0312 change	2001
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Final Reading w/E 46-0-3	2186
Apr.	7	59	President signed	2197
Apr.	7	59	Presented to Governor (4/7)	2206

Apr. 14 AJ Approved by Governor (4/13) 2300

LEGISLATIVE BILL 1031. By Schmit

Jan. 8 3 Read first time 226
Jan. 11 4 Referred to Committee on Natural Resources 254
Jan. 27 14 Notice of hearing (2/3) 527
Feb. 2 18 Hartnett name added 633
Feb. 19 29 Natural Resources Committee priority bill 922
Feb. 24 32 Placed on General File - Com am #2092 993
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1032. By Transportation Committee

Jan. 11 4 Read first time 231
Jan. 12 5 Referred to Committee on Transportation 283
Jan. 19 8 Notice of hearing (1/26) 353
Feb. 11 25 Placed on General File 818
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1033. By Business and Labor Committee

Jan. 11 4 Read first time 231
Jan. 12 5 Referred to Committee on Business and Labor 283
Jan. 14 7 Notice of hearing (1/25) 332
Jan. 29 16 Placed on General File 587
Mar. 1 36 Advanced for Review 1106
Mar. 3 38 Placed on Select File - AM5360 1154
Mar. 7 39 AM5360 (E & R) adopted.
Advanced for Engrossment 1220
Mar. 10 41 Correctly Engrossed 1286
Mar. 17 46 Final Reading 42-0-7 1490
Mar. 17 46 Speaker signed 1494
Mar. 17 46 Presented to Governor (3/17) 1495
Mar. 21 48 Approved by Governor (3/21) 1570

LEGISLATIVE BILL 1034. By Business and Labor Committee

Jan. 11 4 Read first time 231
Jan. 12 5 Referred to Committee on Business and Labor 283
Jan. 22 11 Notice of hearing (2/1) 477
Feb. 3 19 Placed on General File 652
Mar. 1 36 Advanced for Review 1108
Mar. 7 39 Placed on Select File 1192
Mar. 8 40 Advanced for Engrossment 1263

Mar. 10 41 Correctly Engrossed 1286
Mar. 17 46 Final Reading 41-0-8 1491
Mar. 17 46 Speaker signed 1494
Mar. 17 46 Presented to Governor (3/17) 1495
Mar. 21 48 Approved by Governor (3/21) 1570

LEGISLATIVE BILL 1035. By Business and Labor Committee

Jan. 11 4 Read first time 232
Jan. 12 5 Referred to Committee on Business and Labor 283
Jan. 14 7 Notice of hearing (1/25) 333
Jan. 29 16 Indefinitely postponed 588

LEGISLATIVE BILL 1036. By Business and Labor Committee

Jan. 11 4 Read first time 232
Jan. 12 5 Referred to Committee on Business and Labor 283
Jan. 22 11 Notice of hearing (2/8) 477
Feb. 23 31 Indefinitely postponed 953

LEGISLATIVE BILL 1037. By Hartnett

Jan. 11 4 Read first time 232
Jan. 12 5 Referred to Committee on Transportation 283
Jan. 29 16 Notice of hearing (2/22) 591
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1038. By Coordsen

Jan. 11 4 Read first time 232
Jan. 12 5 Referred to Committee on Transportation 283
Jan. 29 16 Notice of hearing (2/16) 591
Feb. 18 28 Placed on General File - Com am #2061 894
Mar. 1 36 Chambers motion to suspend rules withdrawn. Committee amendment #2061 adopted. Advanced for Review 1113
Mar. 7 39 Placed on Select File 1197
Mar. 8 40 Advanced for Engrossment 1265
Mar. 10 41 Correctly Engrossed 1317
Mar. 21 48 Final Reading 42-0-7 1547
Mar. 21 48 President signed 1566
Mar. 21 48 Presented to Governor (3/21) 1567
Mar. 24 51 Approved by Governor (3/23) 1711

LEGISLATIVE BILL 1039. By Revenue Committee

Jan.	11	4	Read first time	248
Jan.	12	5	Referred to Committee on Revenue	283
Jan.	12	5	Notice of hearing (1/20)	291
Jan.	25	12	Placed on General File - Com am #1705	493
Feb.	19	29	Revenue Committee priority bill	915
Feb.	26	34	V. Johnson amendment #2208 to committee amendment printed	1045
Mar.	31	56	Committee amendment #1705 adopted as amended by V. Johnson pending amendment #2208 p. 1045. Advanced for Review	1973
Mar.	31	56	Expedited by Hefner	1974
Apr.	5	57	Placed on Select File - AM5435	1997
Apr.	6	58	AM5435 (E & R) adopted. Advanced for Engrossment	2082
Apr.	6	58	Correctly Engrossed	2095
Apr.	6	58	ER0323 change	2096
Apr.	8	60	Lynch motion to suspend rules prevailed	2209
Apr.	8	60	Final Reading w/E 45-0-4	2231
Apr.	8	60	Speaker signed	2234
Apr.	8	60	Presented to Governor (4/8)	2244
Apr.	14	AJ	Approved by Governor (4/11)	2286

LEGISLATIVE BILL 1039A. By V. Johnson

Jan.	29	16	Read first time. Placed on General File	591
Feb.	26	34	V. Johnson amendment #2209 printed	1045
Mar.	31	56	V. Johnson pending amendment #2209 p. 1045 adopted. Advanced for Review	1973
Mar.	31	56	Expedited by Hefner	1974
Apr.	5	57	Placed on Select File	1997
Apr.	6	58	Advanced for Engrossment	2083
Apr.	6	58	Correctly Engrossed	2095
Apr.	8	60	Lynch motion to suspend rules prevailed	2209
Apr.	8	60	Final Reading 45-0-4	2232
Apr.	8	60	Speaker signed	2234
Apr.	8	60	Presented to Governor (4/8)	2244
Apr.	14	AJ	Approved by Governor (4/11)	2286

LEGISLATIVE BILL 1040. By Speaker Barrett at request of Governor

Jan.	11	4	Read first time	248
Jan.	12	5	Referred to Committee on Appropriations	283
Feb.	10	24	Notice of hearing (2/18)	781

Mar. 3 38 Placed on General File - Com am #2253 1167
Mar. 10 41 Committee amendment #2253 adopted. Advanced for Review 1303
Mar. 11 42 Placed on Select File - AM5396 1336
Mar. 18 47 Warner amendment #2541 printed 1511
Mar. 23 50 AM5396 (E & R) adopted. Warner pending amendment #2541 p. 1511 adopted. Advanced for Engrossment 1634
Mar. 23 50 Correctly Engrossed 1697
Mar. 28 53 Final Reading w/E 48-0-1 1799
Mar. 28 53 President signed 1804
Mar. 28 53 Presented to Governor (3/28) 1805
Mar. 31 56 Approved by Governor (3/31) 1979

LEGISLATIVE BILL 1040A. By Warner

Mar. 3 38 Read first time. Placed on General File 1171
Mar. 10 41 Chambers amendment lost. Advanced for Review 1303
Mar. 11 42 Placed on Select File 1336
Mar. 11 42 Chambers amendment printed 1339
Mar. 23 50 Chambers pending amendment p. 1339 lost. Advanced for Engrossment 1635
Mar. 23 50 Correctly Engrossed 1697
Mar. 28 53 Final Reading w/E 48-0-1 1799
Mar. 28 53 President signed 1804
Mar. 28 53 Presented to Governor (3/28) 1805
Mar. 31 56 Approved by Governor (3/31) 1979

LEGISLATIVE BILL 1041. By Speaker Barrett at request of Governor

Jan. 11 4 Read first time 248
Jan. 12 5 Referred to Committee on Appropriations 283
Jan. 20 9 Notice of hearing (Budget hearings listed) 391
Feb. 11 25 Notice of hearing (2/19) 802
Mar. 3 38 Placed on General File - Com am #2250 ..... 1168 (printed separate)
Mar. 3 38 Labedz-Baack amendment #2350 to committee amendment printed 1178
Mar. 8 40 Moore amendment to committee amendment printed 1271
Mar. 8 40 Lamb amendment #2448 to committee amendment printed 1273
Mar. 8 40 Business and Labor Committee amendment

to committee amendment #2447 printed 1280
Mar. 10 41 Correction 1286
Mar. 10 41 Committee amendment #2250, sections 1, 2, 3, 4, and 5, adopted 1313
Mar. 11 42 Committee amendment #2250, section 6 lost. Business and Labor Committee pending amendment #2447 p. 1280 lost. Committee amendment #2250, sections 7, 9, and 10 adopted. Wesely amendment #2484 withdrawn. Committee amendment #2250, section 11, adopted as amended by V. Johnson amendment 1333
Mar. 14 43 Committee amendment #2250, sections 14 and 15 adopted 1355
Mar. 14 43 Committee amendment #2250, section 21, adopted as amended by Nelson amendment #2468 and Wehrbein-Abboud-Warner Hannibal-L. Johnson-Marsh amendment #2520. Committee amendment #2250, sections 22, 23, 8, 24, and 27, adopted 1362
Mar. 15 44 Committee amendment #2250, sections 28, 29, and 30 adopted. Moore pending amendment p. 1271 lost. Ashford amendment withdrawn. Committee amendment #2250, sections 34 and 38 adopted 1390
Mar. 15 44 Committee amendment #2250, sections 42 and 13 adopted. Pirsch-Schmit amendment #2527 to committee amendment #2250, section 43, pending 1396
Mar. 16 45 Committee amendment #2250, section 43, adopted as amended by Pirsch-Schmit pending amendment #2527 p. 1396. Committee amendment #2250, sections 46, 47, 48, 49, and 50 adopted 1424
Mar. 16 45 Committee amendment #2250, sections 51, 52, and 12 adopted. Committee amendment #2250, section 16 adopted as amended by Labedz-Baack pending amendment #2350 p. 1178. Committee amendment #2250, sections 17, 18, 19, 20, 25, 26, and 31 adopted 1429
Mar. 16 45 Committee amendment #2250, sections 32, 33, 35, 36, 37, and 39 adopted. Committee amendment #2250, section 40 adopted as amended by Morehead/R. Johnson/Bernard-

Stevens/Ashford amendment #2358 1437
Mar. 17 46 Committee amendment #2250, sections 41, 44, 53, 45, 54, 55, 56, and 57 adopted. V. Johnson amendment lost. Lamb-Dierks pending amendment #2448 p. 1273 adopted 1470
Mar. 17 46 Hall amendment #2495 and V. Johnson-R. Johnson-Ashford amendment to committee amendment adopted. Beyer amendment and Schmit amendment #2592 lost 1473
Mar. 18 47 Schmit amendment #2524 lost. Abboud-Haberman-Hefner amendment to committee amendment pending. Haberman request for ruling if Abboud et al amendment needs motion to reconsider. Abboud motion to reconsider V. Johnson et al amendment lost 1508
Mar. 18 47 Chambers-Baack motion to reconsider Lamb amendment p. 1472 withdrawn. Advanced for Review 1515
Mar. 18 47 Abboud amendment printed 1516
Mar. 22 49 Labedz amendment #2667 to committee amendment printed 1590
Mar. 22 49 Placed on Select File - AM5413 1601
Mar. 22 49 Labedz amendment printed 1626
Mar. 23 50 AM5413 (E & R) adopted. Abboud pending amendment p. 1516 lost. Labedz pending amendment #2667 p. 1590 and Warner amendment #2711 adopted. Labedz pending amendment p. 1626 withdrawn 1638
Mar. 23 50 Conway-Haberman-Baack-Smith-Labedz amendment #2723, Schmit-V. Johnson amendment #2730, and Warner amendment adopted. Hall amendment withdrawn 1646
Mar. 23 50 Wesely-Higgins amendment #2731 to committee amendment printed 1678
Mar. 23 50 Lynch amendment #2751 printed 1698
Mar. 24 51 Wesely-Higgins pending amendment #2731 p. 1678, Lynch pending amendment #2751 p. 1698, and Schellpeper amendment adopted. Haberman and R. Johnson amendments withdrawn. Labedz-Higgins and Higgins amendments lost 1707
Mar. 24 51 Advanced for Engrossment 1717
Mar. 25 52 Correctly Engrossed. ER0289 change 1770

Mar.	30	55	Final Reading w/E 40-0-9	1883
Mar.	30	55	Speaker signed	1885
Mar.	30	55	Presented to Governor (3/30)	1892
Apr.	6	58	Approved by Governor with line-item vetoes (4/5)	2069
Apr.	7	59	Appropriations Committee letter printed. Appropriations Committee, Weihing, Pirsch, and Morehead-Withem motions to override line-item vetoes laid over	2170
Apr.	7	59	Nelson, R. Johnson, Lynch, and Hall motions to override line-item vetoes laid over	2171
Apr.	7	59	Labedz-Higgins-Remmers-Baack-Schmit-Barrett-Chambers-Haberman, Schmit, and Hefner-Wesely motions to override line-item vetoes laid over	2172
Apr.	7	59	Labedz-Marsh-Wesely-Chizek motion to override line-item veto laid over	2180
Apr.	7	59	Wesely motions to override line-item vetoes laid over	2206
Apr.	8	60	Appropriations Committee pending motion p. 2170 to override line-item veto passed 36-0-13. Lynch request to substitute Weihing pending motion p. 2170 prevailed. Lynch pending motion p. 2171 to override line-item vetoes passed 30-18-1	2259
Apr.	8	60	Communication	2266
Apr.	8	60	Certificate	2267
Apr.	14	AJ	Message from Secretary of State. Certificate	2295

LEGISLATIVE BILL 1042. By Speaker Barrett at request of Governor and R. Johnson, Goodrich, Elmer, Bernard-Stevens, Labedz, Weihing, Dierks

Jan.	11	4	Read first time	249
Jan.	12	5	Referred to Committee on Appropriations	283
Feb.	1	17	Notice of hearing (2/11)	616
Feb.	1	17	McFarland motion to rerefer to Education Committee laid over	621
Feb.	2	18	McFarland pending motion p. 621 lost	631
Feb.	19	29	Elmer priority bill	907
Mar.	3	38	Elmer-Barrett motion to place on General File laid over	1161

Mar. 8 40 Elmer-Barrett pending motion p. 1161 prevailed. Placed on General File 1262
Mar. 8 40 Elmer amendment printed 1273
Mar. 17 46 Wehrbein amendment printed 1473
Mar. 28 53 Moore amendment #2808 printed 1805
Mar. 28 53 Elmer pending amendment p. 1273 and Wehrbein pending amendment p. 1473 adopted. Moore pending amendment #2808 p. 1805 withdrawn. Advanced for Review 1822
Mar. 28 53 Expedited by Elmer 1831
Mar. 29 54 Placed on Select File - AM5429 1842
Apr. 6 58 AM5429 (E & R) adopted. Withem amendment #2938 adopted. Withem motion to indefinitely postpone withdrawn. Advanced for Engrossment 2084
Apr. 6 58 Correctly Engrossed 2091
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Elmer motion to return to Select File withdrawn. Final Reading w/E 33-16-0 2233
Apr. 8 60 Speaker signed 2234
Apr. 8 60 Presented to Governor (4/8) 2244
Apr. 14 AJ Approved by Governor (4/12) 2299

LEGISLATIVE BILL 1043. By Speaker Barrett at request of Governor

Jan. 11 4 Read first time 249
Jan. 12 5 Referred to Committee on Natural Resources 283
Feb. 2 18 Notice of hearing (2/24) 633
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1044. By Miller

Jan. 11 4 Read first time 255
Jan. 12 5 Referred to Committee on Revenue 284
Jan. 12 5 Notice of hearing (1/20) 291
Jan. 21 10 Placed on General File 416
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1045. By Schmit

Jan. 11 4 Read first time 255
Jan. 11 4 Korshoj name added 267
Jan. 12 5 Referred to Committee on Natural Resources 284
Jan. 20 9 Notice of hearing (1/27) 379

Jan.	28	15	Placed on General File	544
Feb.	22	30	Speaker Barrett priority bill	931
Mar.	1	36	Advanced for Review	1105
Mar.	3	38	Placed on Select File - AM5361	1152
Mar.	7	39	AM5361 (E & R) adopted. Advanced for Engrossment	1219
Mar.	8	40	Correctly Engrossed	1280
Mar.	16	45	Final Reading 42-0-7	1447
Mar.	16	45	Speaker signed	1455
Mar.	16	45	Presented to Governor (3/16)	1458
Mar.	17	46	Approved by Governor (3/17)	1502

LEGISLATIVE BILL 1046. By Schmit

Jan.	11	4	Read first time	255
Jan.	12	5	Referred to Committee on Natural Resources	284
Jan.	20	9	Notice of hearing (1/27)	379
Jan.	28	15	Placed on General File	544
Mar.	1	36	Advanced for Review	1105
Mar.	3	38	Placed on Select File - AM5356	1153
Mar.	7	39	AM5356 (E & R) adopted. Advanced for Engrossment	1219
Mar.	8	40	Correctly Engrossed	1280
Mar.	16	45	Final Reading 42-0-7	1448
Mar.	16	45	Speaker signed	1455
Mar.	16	45	Presented to Governor (3/16)	1458
Mar.	17	46	Approved by Governor (3/17)	1502

LEGISLATIVE BILL 1047. By Schmit

Jan.	11	4	Read first time	255
Jan.	12	5	Referred to Committee on Appropriations	284
Jan.	27	14	Notice of hearing (2/5)	522
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1048. By Conway

Jan.	11	4	Read first time	255
Jan.	12	5	Referred to Committee on Judiciary	284
Jan.	19	8	Notice of hearing (1/27)	347
Feb.	25	33	Indefinitely postponed	1021

LEGISLATIVE BILL 1049. By McFarland, Hefner

Jan.	11	4	Read first time	256

Jan. 12 5 Referred to Committee on Judiciary 284
Jan. 19 8 Notice of hearing (1/28) 347
Feb. 11 25 Indefinitely postponed 812
Feb. 11 25 McFarland motion to place on General File laid over 816
Feb. 18 28 McFarland pending motion p. 816 lost 877

LEGISLATIVE BILL 1050. By R. Johnson

Jan. 11 4 Read first time 262
Jan. 12 5 Referred to Committee on Revenue 284
Jan. 29 16 Notice of hearing (2/11) 561
Feb. 23 31 Indefinitely postponed 940

LEGISLATIVE BILL 1051. By Conway, Lamb

Jan. 11 4 Read first time 262
Jan. 12 5 Referred to Committee on Transportation 284
Jan. 13 6 Notice of hearing (1/25) 305
Jan. 27 14 Placed on General File 535
Mar. 1 36 Advanced for Review 1104
Mar. 2 37 Placed on Select File 1142
Mar. 7 39 Advanced for Engrossment 1219
Mar. 8 40 Correctly Engrossed 1280
Mar. 16 45 Final Reading 42-0-7 1449
Mar. 16 45 Speaker signed 1455
Mar. 16 45 Presented to Governor (3/16) 1458
Mar. 17 46 Approved by Governor (3/17) 1502

LEGISLATIVE BILL 1052. By Goodrich

Jan. 11 4 Read first time 262
Jan. 12 5 Referred to Committee on Urban Affairs 284
Jan. 19 8 Notice of hearing (1/26) 370
Feb. 1 17 Indefinitely postponed 625

LEGISLATIVE BILL 1053. By Conway, Baack, Schmit, Hartnett

Jan. 11 4 Read first time 263
Jan. 12 5 Referred to Committee on Revenue 284
Jan. 20 9 Notice of hearing (1/28) 378
Jan. 29 16 Indefinitely postponed 586

LEGISLATIVE BILL 1054. By Chambers

Jan.	11	4	Read first time	263
Jan.	12	5	Referred to Committee on Judiciary	284
Jan.	19	8	Notice of hearing (1/28)	347
Feb.	2	18	Placed on General File	644
Mar.	1	36	Advanced for Review	1108
Mar.	3	38	Placed on Select File	1156
Mar.	7	39	Advanced for Engrossment	1221
Mar.	10	41	Correctly Engrossed	1286
Mar.	21	48	Final Reading 41-0-8	1548
Mar.	21	48	President signed	1566
Mar.	21	48	Presented to Governor (3/21)	1567
Mar.	24	51	Approved by Governor (3/23)	1711

LEGISLATIVE BILL 1055. By Wesely

Jan.	11	4	Read first time	263
Jan.	12	5	Referred to Committee on Health and Human Services	284
Jan.	19	8	Notice of hearing (2/4)	370
Feb.	26	34	Indefinitely postponed	1054

LEGISLATIVE BILL 1056. By Wesely

Jan.	11	4	Read first time	263
Jan.	12	5	Referred to Committee on Health and Human Services	284
Jan.	19	8	Notice of hearing (2/3)	370
Feb.	23	31	Placed on General File - Com am #2101	954
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1057. By Moore

Jan.	11	4	Read first time	263
Jan.	12	5	Referred to Committee on Banking, Commerce and Insurance	284
Jan.	22	11	Notice of hearing (2/2)	477
Feb.	9	23	Placed on General File - Com am #1902	765
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1058. By Marsh

Jan.	11	4	Read first time	264
Jan.	12	5	Referred to Committee on Urban Affairs	284
Jan.	29	16	Notice of hearing (2/23)	562
Feb.	24	32	Placed on General File	973

Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1059. By Lamb

Jan. 11 4 Read first time 264
Jan. 12 5 Referred to Committee on Education 284
Jan. 28 15 Notice of hearing (2/29) 552
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1060. By Chizek, Wesely, Lynch

Jan. 11 4 Read first time 264
Jan. 12 5 Referred to Committee on Health and Human Services 284
Jan. 19 8 Notice of hearing (1/27) 369
Feb. 1 17 Placed on General File 625
Feb. 22 30 Speaker Barrett priority bill 931
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1060A. By Chizek

Feb. 9 23 Read first time. Placed on General File 755
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1061. By Schmit

Jan. 11 4 Read first time 264
Jan. 12 5 Referred to Committee on Natural Resources 284
Jan. 14 7 Notice of hearing (1/22) 337
Feb. 24 32 Placed on General File - Com am #2027 ..... 973 (printed separate)
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1062. By Schmit

Jan. 11 4 Read first time 265
Jan. 12 5 Referred to Committee on Natural Resources 284
Jan. 14 7 Notice of hearing (1/22) 337
Feb. 10 24 Indefinitely postponed 769

LEGISLATIVE BILL 1063. By Schmit

Jan. 11 4 Read first time 265
Jan. 12 5 Referred to Committee on Natural Resources 284
Jan. 14 7 Notice of hearing (1/22) 337

Feb. 10 24 Indefinitely postponed 769

LEGISLATIVE BILL 1064. By Conway

Jan. 11 4 Read first time 265
Jan. 12 5 Referred to Committee on Revenue 284
Jan. 12 5 Notice of hearing (1/21) 291
Jan. 28 15 Placed on General File 546
Mar. 1 36 Advanced for Review 1105
Mar. 3 38 Placed on Select File - AM5367 1153
Mar. 7 39 AM5367 (E & R) adopted.
Advanced for Engrossment 1220
Mar. 8 40 Correctly Engrossed 1280
Mar. 16 45 Final Reading 42-0-7 1450
Mar. 16 45 Speaker signed 1455
Mar. 16 45 Presented to Governor (3/16) 1458
Mar. 17 46 Approved by Governor (3/17) 1502

LEGISLATIVE BILL 1065. By Moore, L. Johnson, Elmer, Coordsen, Hefner, Pirsch

Jan. 11 4 Read first time 268
Jan. 12 5 Referred to Committee on Transportation 284
Jan. 13 6 Notice of hearing (1/25) 305
Feb. 19 29 Placed on General File - Com am #2060 902
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1066. By McFarland, Landis, Wesely, Warner, Labedz, Johanns, Marsh, Hall

Jan. 11 4 Read first time 268
Jan. 12 5 Referred to Committee on Banking,
Commerce and Insurance 284
Jan. 29 16 Notice of hearing (2/16) 562
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1067. By R. Johnson

Jan. 12 5 Read first time 272
Jan. 13 6 Referred to Committee on Agriculture 308
Jan. 19 8 Notice of hearing (1/26) 362
Feb. 11 25 Placed on General File - Com am #1979 794
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1068. By Hartnett

Jan. 12 5 Read first time 272
Jan. 13 6 Referred to Committee on Education 308
Jan. 28 15 Notice of hearing (2/29) 552
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1069. By Chizek, Moore, Korshoj, Labedz, Ashford

Jan. 12 5 Read first time 278
Jan. 13 6 Referred to Committee on Business and Labor 308
Jan. 22 11 Notice of hearing (2/1) 477
Feb. 3 19 Indefinitely postponed 653

LEGISLATIVE BILL 1070. By Chizek, Korshoj, Ashford

Jan. 12 5 Read first time 278
Jan. 13 6 Referred to Committee on Health and Human Services 308
Jan. 13 6 Nelson name added 316
Jan. 19 8 Notice of hearing (2/5) 370
Mar. 31 56 Placed on General File - Com am #2891 1992
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1071. By Chizek, Korshoj

Jan. 12 5 Read first time 279
Jan. 13 6 Referred to Committee on Judiciary 308
Jan. 13 6 Nelson name added 316
Feb. 17 27 Chizek motion to withdraw laid over 847
Feb. 18 28 Chizek pending motion p. 847 prevailed. Withdrawn 877

LEGISLATIVE BILL 1072. By Wesely

Jan. 12 5 Read first time 279
Jan. 13 6 Referred to Committee on Revenue 308
Jan. 29 16 Notice of hearing (2/17) 561
Feb. 9 23 Notice of hearing (2/24) (Reset) 750
Feb. 19 29 Wesely priority bill 922
Mar. 16 45 Wesely motion to place on General File laid over 1429
Mar. 28 53 Wesely amendment #2239 printed 1833
Mar. 29 54 Wesely pending motion p. 1429 to

			place on General File lost	1845
Mar.	30	55	Correction - Stands indefinitely postponed	1882

LEGISLATIVE BILL 1073. By Wesely

Jan.	12	5	Read first time	279
Jan.	13	6	Referred to Committee on Education	308
Jan.	14	7	Notice of hearing (1/25)	332
Jan.	26	13	Baack name added	516
Feb.	3	19	Placed on General File - Com am #1846	660
Feb.	22	30	Speaker Barrett priority bill	931
Mar.	1	36	Committee amendment #1846 adopted. Advanced for Review	1109
Mar.	2	37	Baack amendment #2163 printed	1119
Mar.	7	39	Placed on Select File - AM5369	1193
Mar.	11	42	Chizek-Wesely amendment #2466 printed separate	1343
Mar.	29	54	AM5369 (E & R) adopted. Baack pending amendment #2163 p. 1119 withdrawn. Wesely motion to suspend rules prevailed. Wesely-Chizek pending amendment #2466 p. 1343 adopted as amended by Goodrich amendment #2840. Lynch motion to reconsider amendment #2840 lost. Advanced for Engrossment	1873
Apr.	5	57	Correctly Engrossed	1999
Apr.	5	57	ER0303 change	2003
Apr.	8	60	Lynch motion to suspend rules prevailed	2209
Apr.	8	60	Final Reading w/E 41-0-8	2235
Apr.	8	60	President signed	2254
Apr.	8	60	Presented to Governor (4/8)	2257
Apr.	14	AJ	Approved by Governor (4/12)	2286

LEGISLATIVE BILL 1073A. By Wesely

Mar.	25	52	Read first time. Placed on General File	1759
Mar.	31	56	Advanced for Review	1971
Apr.	5	57	Placed on Select File	1995
Apr.	5	57	Chizek amendment #2956 printed	2053
Apr.	5	57	Chizek pending amendment #2956 p. 2053 withdrawn. Advanced for Engrossment	2082
Apr.	6	58	Correctly Engrossed	2091
Apr.	8	60	Lynch motion to suspend rules prevailed	2209
Apr.	8	60	Final Reading 42-0-7	2236
Apr.	8	60	President signed	2254

Apr. 8 60 Presented to Governor (4/8) 2257
Apr. 14 AJ Approved by Governor (4/12) 2286

LEGISLATIVE BILL 1074. By Wesely

Jan. 12 5 Read first time 279
Jan. 13 6 Referred to Committee on Appropriations 308
Feb. 1 17 Notice of hearing (2/11) 616
Feb. 22 30 Speaker Barrett priority bill 931
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1075. By Banking, Commerce and Insurance Committee

Jan. 12 5 Read first time 279
Jan. 13 6 Referred to Committee on Banking, Commerce and Insurance 308
Jan. 22 11 Notice of hearing (2/2) 477
Feb. 5 21 Indefinitely postponed 714

LEGISLATIVE BILL 1076. By McFarland

Jan. 12 5 Read first time 280
Jan. 13 6 Referred to Committee on Education 308
Jan. 28 15 Notice of hearing (2/29) 552
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1077. By Hartnett

Jan. 12 5 Read first time 280
Jan. 13 6 Referred to Committee on Education 308
Jan. 22 11 Notice of hearing (2/2) 460
Feb. 3 19 Placed on General File 659
Mar. 1 36 Advanced for Review 1109
Mar. 7 39 Placed on Select File 1193
Mar. 8 40 Advanced for Engrossment 1264
Mar. 10 41 Correctly Engrossed 1286
Mar. 21 48 Final Reading 44-0-5 1549
Mar. 21 48 President signed 1566
Mar. 21 48 Presented to Governor (3/21) 1567
Mar. 24 51 Approved by Governor (3/23) 1711

LEGISLATIVE BILL 1078. By Korshoj

Jan. 12 5 Read first time 280

Jan.	13	6	Referred to Committee on Natural Resources	308
Jan.	21	10	Notice of hearing (1/28)	441
Feb.	9	23	Placed on General File	740
Mar.	1	36	Advanced for Review	1110
Mar.	7	39	Placed on Select File	1194
Mar.	8	40	Advanced for Engrossment	1264
Mar.	10	41	Correctly Engrossed	1286
Mar.	10	41	ER0279 change	1287
Mar.	21	48	Final Reading 42-0-7	1550
Mar.	21	48	President signed	1566
Mar.	21	48	Presented to Governor (3/21)	1567
Mar.	24	51	Approved by Governor (3/23)	1711

LEGISLATIVE BILL 1079. By Hefner, Abboud

Jan.	12	5	Read first time	280
Jan.	13	6	Referred to Committee on Government, Military and Veterans Affairs	308
Jan.	27	14	Notice of hearing (2/4)	533
Feb.	19	29	Hefner priority bill	915
Feb.	24	32	Placed on General File - Com am #2126	965
Mar.	11	42	Committee amendment #2126 adopted. Advanced for Review	1340
Mar.	14	43	Placed on Select File - AM5402	1379
Mar.	28	53	AM5402 (E & R) adopted. Advanced for Engrossment	1812
Mar.	29	54	Correctly Engrossed	1848
Apr.	6	58	Final Reading 45-2-2	2136
Apr.	6	58	Speaker signed	2141
Apr.	7	59	Presented to Governor (4/7)	2147
Apr.	8	60	Approved by Governor (4/7)	2243

LEGISLATIVE BILL 1079A. By Hefner

Mar.	14	43	Read first time. Placed on General File	1356
Mar.	17	46	Advanced for Review	1492
Mar.	18	47	Placed on Select File	1519
Mar.	28	53	Advanced for Engrossment	1812
Mar.	29	54	Correctly Engrossed	1848
Apr.	6	58	Final Reading 47-0-2	2137
Apr.	6	58	Speaker signed	2141
Apr.	7	59	Presented to Governor (4/7)	2147
Apr.	8	60	Returned by Governor without approval (4/8)	2240

LEGISLATIVE BILL 1080. By Government, Military and Veterans

Affairs Committee

Jan. 12 5 Read first time 280
Jan. 13 6 Referred to Committee on Government, Military and Veteran Affairs 308
Jan. 22 11 Notice of hearing (1/29) 476
Feb. 16 26 Indefinitely postponed 835

LEGISLATIVE BILL 1081. By McFarland

Jan. 12 5 Read first time 281
Jan. 13 6 Referred to Committee on Education 308
Jan. 22 11 Notice of hearing (2/2) 460
Feb. 3 19 Indefinitely postponed 661

LEGISLATIVE BILL 1082. By Landis

Jan. 12 5 Read first time 281
Jan. 13 6 Referred to Committee on Government, Military and Veterans Affairs 308
Feb. 2 18 Notice of hearing (2/10) 640
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1083. By Landis, Haberman, Goodrich, Weihing, Schmit, Lynch, Conway, Remmers

Jan. 12 5 Read first time 282
Jan. 13 6 Referred to Committee on Banking, Commerce and Insurance 308
Jan. 14 7 Notice of hearing (1/26) 325
Feb. 9 23 Placed on General File 765
Feb. 19 29 Landis priority bill 907
Mar. 7 39 Haberman amendment #2340 printed 1234
Mar. 7 39 Baack amendment #2432 printed 1236
Mar. 8 40 Baack pending amendment #2432 p. 1236 adopted 1274
Mar. 8 40 Haberman pending amendment #2340 p. 1234 withdrawn. Remmers motion to indefinitely postpone laid over 1282
Mar. 22 49 Ashford amendment printed 1613
Mar. 23 50 Landis-Ashford amendment #2747 printed 1689
Mar. 24 51 Remmers pending motion p. 1282 withdrawn. Remmers motion to bracket until 4/8/88 lost. Landis-Ashford pending amendment #2747 p. 1689 adopted. Ashford pending

amendment p. 1613 withdrawn. Advanced for Review 1719
Mar. 28 53 Placed on Select File - AM5427 1796
Mar. 31 56 Landis amendment #2749 to amendment #2747 printed 1972
Apr. 5 57 AM5427 (E & R) adopted. Landis pending amendment #2479 p. 1972 adopted. Johanns amendment #2926 adopted as amended by Goodrich amendment. Landis amendment adopted. Advanced for Engrossment 2031
Apr. 5 57 Ashford amendment #2924 to amendment #2747 printed 2034
Apr. 6 58 Correctly Engrossed 2091
Apr. 6 58 ER0319 change 2092
Apr. 8 60 Ashford pending amendment #2924 p. 2034 withdrawn. Hefner and Landis motions to return to Select File withdrawn 2237
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Failed on Final Reading 19-21-9 2238

LEGISLATIVE BILL 1084. By Abboud, Hefner

Jan. 12 5 Read first time 287
Jan. 13 6 Referred to Committee on Government, Military and Veterans Affairs 308
Jan. 22 11 Hefner name withdrawn 481
Feb. 9 23 Notice of hearing (2/18) 750
Feb. 23 31 Indefinitely postponed 938

LEGISLATIVE BILL 1085. By Chambers

Jan. 12 5 Read first time 290
Jan. 13 6 Referred to Committee on General Affairs 308
Feb. 4 20 Notice of hearing (2/29) 673
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1086. By Hartnett

Jan. 12 5 Read first time 290
Jan. 13 6 Referred to Committee on Revenue 309
Jan. 20 9 Baack name added 387
Jan. 29 16 Notice of hearing (2/24) 561
Feb. 9 23 Notice of hearing (2/17) (Reset) 750
Feb. 23 31 Indefinitely postponed 940

LEGISLATIVE BILL 1087. By Wesely

Jan. 12 5 Read first time 290
Jan. 13 6 Referred to Committee on Health and Human Services 309
Jan. 19 8 Notice of hearing (1/27) 369
Mar. 31 56 Placed on General File - Com am #2894 ..... 1994 (on file)
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1088. By Dierks, Warner

Jan. 12 5 Read first time 290
Jan. 13 6 Referred to Committee on Government, Military and Veterans Affairs 309
Jan. 14 7 Coordsen name added 335
Jan. 27 14 Notice of hearing (2/4) 533
Feb. 16 26 Indefinitely postponed 835

LEGISLATIVE BILL 1089. By Hannibal

Jan. 12 5 Read first time 293
Jan. 13 6 Referred to Committee on General Affairs 309
Jan. 22 11 Notice of hearing (2/1) 459
Feb. 4 20 Placed on General File - Com am #1878 675
Feb. 19 29 Hannibal priority bill 907
Mar. 2 37 Committee amendment #1878 adopted as amended by Hannibal amendment #2196. Advanced for Review 1136
Mar. 8 40 Placed on Select File - AM5390 1250
Mar. 17 46 Labedz amendment #2616 printed 1495
Mar. 28 53 Morehead amendment #2796 printed 1817
Mar. 30 55 AM5390 (E & R) adopted. Morehead amendment #2325 (on file), Labedz pending amendment #2616 p. 1495 and Morehead pending amendment #2796 p. 1817 adopted. Advanced for Engrossment 1912
Apr. 5 57 Correctly Engrossed 1999
Apr. 5 57 ER0311 change 2006
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading 32-9-8 2187
Apr. 7 59 President signed 2197
Apr. 7 59 Presented to Governor (4/7) 2206
Apr. 8 60 Approved by Governor (4/8) 2243

LEGISLATIVE BILL 1090. By Wesely

Jan.	12	5	Read first time	293
Jan.	13	6	Referred to Committee on Natural Resources	309
Jan.	27	14	Notice of hearing (2/4)	527
Feb.	10	24	Indefinitely postponed	769

LEGISLATIVE BILL 1091. By Scofield, Bernard-Stevens, Remmers, Nelson, Weihing, Morehead, Baack, Miller, McFarland, Moore, R. Johnson, Barrett, Langford, Smith, Hartnett, Lamb, Coordsen, L. Johnson

Jan.	12	5	Read first time	295
Jan.	13	6	Referred to Committee on Appropriations	309
Jan.	13	6	Haberman name added	302
Feb.	1	17	Notice of hearing (2/10)	616
Feb.	19	29	Scofield priority bill	915
Mar.	7	39	Placed on General File - Com am #2351	1199
Mar.	15	44	Warner amendment #2502 to committee amendment printed	1393
Mar.	16	45	V. Johnson amendment #2609 printed	1434
Mar.	17	46	V. Johnson amendment #2623 printed	1498
Mar.	21	48	Committee amendment #2351 adopted as amended by Warner pending amendment #2502 p. 1393 and Hefner-Hannibal-Lamb amendment #2625. Advanced for Review	1537
Mar.	22	49	Placed on Select File - AM5416	1611
Mar.	23	50	Lamb amendment #2736 to amendment #2728 printed	1695
Mar.	25	52	AM5416 (E & R) adopted. V. Johnson pending amendments #2609 p. 1434, #2623 p. 1498 and Wesely amendment #2734 withdrawn. Warner amendment #2728 adopted as amended by Scofield-Bernard-Stevens amendment #2735. Lamb pending amendment #2736 p. 1695 lost. Advanced for Engrossment	1752
Mar.	28	53	Correctly Engrossed	1810
Mar.	28	53	ER0292 change	1811
Apr.	8	60	Final Reading w/E 42-0-7	2210
Apr.	8	60	President signed	2220
Apr.	8	60	Presented to Governor (4/8)	2234
Apr.	14	AJ	Approved by Governor (4/13)	2300

LEGISLATIVE BILL 1091A. By Scofield

Mar. 7 39 Read first time. Placed on General File 1224
Mar. 21 48 Advanced for Review 1540
Mar. 22 49 Placed on Select File 1612
Mar. 25 52 Warner amendment #2716 adopted. Advanced for Engrossment 1757
Mar. 28 53 Correctly Engrossed 1810
Apr. 8 60 Final Reading w/E 42-0-7 2211
Apr. 8 60 President signed 2220
Apr. 8 60 Presented to Governor (4/8) 2234
Apr. 14 AJ Approved by Governor with line-item veto (4/13) 2303

LEGISLATIVE BILL 1092. By Schellpeper, Hefner, Coordsen, Scofield

Jan. 12 5 Read first time 296
Jan. 13 6 Dierks name added 297
Jan. 13 6 Referred to Committee on Natural Resources 309
Feb. 2 18 Notice of hearing (2/25) 633
Feb. 19 29 Schellpeper priority bill 915
Mar. 2 37 Conway name added 1119
Mar. 11 42 Schellpeper-Dierks-Coordsen-Hefner-Scofield motion to suspend rules to permit consideration of motion to place on General File printed 1349
Mar. 11 42 Schellpeper-Dierks-Coordsen-Hefner-Scofield motion to place on General File laid over 1350
Mar. 16 45 Placed on General File - Com am #2536 1458
Mar. 25 52 Schellpeper amendment #2793 to committee amendment printed 1786
Mar. 25 52 Schellpeper amendment #2772 to committee amendment printed 1788
Mar. 28 53 Schellpeper pending amendment #2793 p. 1786 lost. Schellpeper pending amendment #2772 p. 1788 pending 1830
Mar. 30 55 Schellpeper request to substitute amendment prevailed. Schellpeper pending amendment #2772 p. 1788 withdrawn. Schellpeper substitute amendment #2860 to committee amendment lost 1892
Mar. 30 55 Schellpeper amendment #2868 to committee

amendment printed 1910
Mar. 31 56 Schellpeper pending amendment #2868 p. 1910 withdrawn. Committee amendment #2536 adopted as amended by Schmit amendment #2917 (printed separate). Advanced for Review 1974
Apr. 5 57 Placed on Select File - AM5438 1999
Apr. 5 57 Schmit amendment #2946 to amendment #2917 printed 2067
Apr. 6 58 AM5438 (E & R) adopted. Schmit pending amendment #2946 p. 2067 adopted. Advanced for Engrossment 2096
Apr. 6 58 Correctly Engrossed 2112
Apr. 6 58 ER0326 change 2113
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading w/E 47-0-2 2245
Apr. 8 60 President signed 2254
Apr. 8 60 Presented to Governor (4/8) 2257
Apr. 14 AJ Approved by Governor (4/12) 2286

LEGISLATIVE BILL 1093. By Lamb

Jan. 13 6 Read first time 302
Jan. 14 7 Referred to Committee on Transportation 335
Jan. 25 12 Notice of hearing (2/1) 500
Feb. 3 19 Placed on General File 665
Mar. 1 36 Advanced for Review 1109
Mar. 7 39 Placed on Select File - AM5365 1194
Mar. 8 40 AM5365 (E & R) adopted. Advanced for Engrossment 1264
Mar. 10 41 Correctly Engrossed 1286
Mar. 14 43 Korshoj name added 1362
Mar. 21 48 Hefner-Withem-Landis motion to return to Select File for amendment #2569 ruled not germane. Challenge of Chair withdrawn. Hefner motion to suspend rules lost 1551
Mar. 21 48 Final Reading 44-0-5 1553
Mar. 21 48 President signed 1566
Mar. 21 48 Presented to Governor (3/21) 1567
Mar. 24 51 Approved by Governor (3/23) 1711

LEGISLATIVE BILL 1094. By Lamb

Jan. 13 6 Read first time 302

Jan. 14 7 Referred to Committee on Revenue 335
Jan. 20 9 Notice of hearing (1/28) 378
Jan. 29 16 Indefinitely postponed 586

LEGISLATIVE BILL 1095. By Lamb

Jan. 13 6 Read first time 302
Jan. 14 7 Referred to Committee on Revenue 335
Jan. 20 9 Notice of hearing (1/28) 378
Jan. 29 16 Indefinitely postponed 586

LEGISLATIVE BILL 1096. By Lamb

Jan. 13 6 Read first time 303
Jan. 14 7 Referred to Committee on Business and Labor 336
Jan. 22 11 Notice of hearing (2/8) 477
Feb. 23 31 Indefinitely postponed 953

LEGISLATIVE BILL 1097. By Withem

Jan. 13 6 Read first time 303
Jan. 14 7 Referred to Committee on Transportation 336
Jan. 29 16 Notice of hearing (2/8) 591
Feb. 4 20 Johanns name added 675
Feb. 5 21 Campbell name added 697
Feb. 8 22 Schmit name added 723
Feb. 18 28 Placed on General File - Com am #2059 894
Feb. 22 30 Speaker Barrett priority bill 931
Mar. 2 37 Withem amendment #2269 to committee amendment printed 1129
Mar. 10 41 Attorney General's Opinion #88020 to Wesely ... 1292
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1098. By Hall

Jan. 13 6 Read first time 303
Jan. 14 7 Referred to Committee on Government, Military and Veterans Affairs 336
Jan. 21 10 Notice of hearing (1/28) 441
Feb. 25 33 Indefinitely postponed 1013

LEGISLATIVE BILL 1099. By Hall

Jan. 13 6 Read first time 303
Jan. 14 7 Referred to Committee on Business and Labor 336

Jan. 22 11 Notice of hearing (2/8) 477
Mar. 2 37 Indefinitely postponed 1123

LEGISLATIVE BILL 1100. By Health and Human Services Committee

Jan. 13 6 Read first time 303
Jan. 14 7 Referred to Committee on Health and Human Services 336
Jan. 19 8 Notice of hearing (1/28) 369
Jan. 27 14 Notice of hearing (room change) 526
Feb. 1 17 Placed on General File - Com am #1822 626
Feb. 16 26 Wesely amendment #2023 printed 835
Feb. 19 29 Health and Human Services Committee priority bill 907
Feb. 19 29 Committee amendment #1822 adopted. Wesely pending amendment #2023 p. 835 and Moore amendment #2109 adopted. Advanced for Review 918
Feb. 25 33 Placed on Select File - AM5339 ..... 1000 (printed separate)
Feb. 29 35 Wesely amendment #2217 printed separate 1079
Feb. 29 35 Wesely amendment #2195 printed 1080
Feb. 29 35 Remmers amendment #2265 printed separate 1086
Mar. 2 37 Withem amendment #2258 printed separate 1129
Mar. 3 38 AM5339 (E & R) adopted. Wesely pending amendment #2217 p. 1079, Wesely pending amendment #2195 p. 1080, Remmers pending amendment #2265 p. 1086, Withem pending amendment #2258 p. 1129, and Scofield amendment #2310 (printed separate) adopted. Morehead motion to indefinitely postpone laid over 1176
Mar. 3 38 Lamb amendment #2124 printed 1178
Mar. 3 38 Conway-L. Johnson amendment #2121 printed .. 1180
Mar. 7 39 Lamb amendment #2404 printed 1215
Mar. 7 39 Morehead-Hannibal-Miller amendment #2394 printed separate 1224
Mar. 7 39 Morehead pending motion p. 1177 withdrawn. Lamb request to substitute amendment prevailed. Lamb pending amendment #2124 p. 1178 withdrawn. Lamb substitute amendment #2407 adopted. Conway-L. Johnson pending amendment

#2121 p. 1180 withdrawn. Lynch motion to bracket lost 1245
Mar. 7 39 Lynch amendment #2425 to amendment #2263 printed 1247
Mar. 8 40 Scofield amendment #2451 to amendment #2310 printed 1284
Mar. 10 41 Lynch amendment #2456 to amendment #2394 printed 1293
Mar. 10 41 Schellpeper-Goodrich-Ashford amendment #2262 (on file) adopted. Lynch pending amendment #2425 p. 1247 lost. Weihing-Wesely amendment #2371 adopted. Wesely request to substitute amendment #2375, Lynch objected. Wesely motion to substitute for amendment #2375 prevailed. Wesely substitute amendment #2437 (printed separate) adopted. Lynch pending amendment #2456 p. 1293 to amendment #2394 pending 1324
Mar. 14 43 Lynch pending amendment #2456 p. 1293 and Scofield pending amendment #2451 p. 1284 withdrawn. Morehead et al pending amendment #2394 p. 1224 adopted. Scofield amendment #2505 to amendment #2310 p. 1176 adopted. Lynch motion to indefinitely postpone withdrawn. Lamb pending amendment #2404 p. 1215 withdrawn. Advanced for Engrossment 1377
Mar. 24 51 Correctly Engrossed. ER0285 change 1729
Apr. 5 57 Final Reading w/E 37-0-12 2055
Apr. 5 57 Speaker signed 2059
Apr. 5 57 Presented to Governor (4/5) 2060
Apr. 8 60 Approved by Governor (4/7) 2243

LEGISLATIVE BILL 1100A. By Wesely

Feb. 3 19 Read first time. Placed on General File 661
Feb. 19 29 Advanced for Review 920
Feb. 25 33 Placed on Select File 1000
Mar. 7 39 Scofield amendment #2416 printed 1223
Mar. 15 44 Wesely amendment #2573 printed 1413
Mar. 16 45 Scofield pending amendment #2416 p. 1223 withdrawn. Wesely pending amendment #2573 p. 1413 adopted. Advanced for Engrossment 1465

Mar.	24	51	Correctly Engrossed	1729
Apr.	5	57	Final Reading w/E 40-0-9	2057
Apr.	5	57	Speaker signed	2059
Apr.	5	57	Presented to Governor (4/5)	2060
Apr.	8	60	Approved by Governor (4/7)	2243

LEGISLATIVE BILL 1101. By Nelson, Baack, Weihing, Lynch, Bernard-Stevens, Smith, Schellpeper

Jan.	13	6	Read first time	304
Jan.	13	6	Labedz name added	320
Jan.	14	7	Referred to Committee on Appropriations	336
Jan.	27	14	Notice of hearing (2/3)	522
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1102. By Landis

Jan.	13	6	Read first time	309
Jan.	14	7	Referred to Committee on Banking, Commerce and Insurance	336
Jan.	29	16	Notice of hearing (2/8)	562
Feb.	22	30	Placed on General File - Com am #2087	933
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1103. By Morehead

Jan.	13	6	Read first time	314
Jan.	14	7	Referred to Committee on Education	336
Jan.	28	15	Notice of hearing (2/9)	551
Feb.	17	27	Placed on General File	860
Mar.	1	36	Advanced for Review	1112
Mar.	7	39	Placed on Select File	1196
Mar.	8	40	Advanced for Engrossment	1265
Mar.	10	41	Correctly Engrossed. ER0280 change	1317
Mar.	31	56	Final Reading 39-4-6	1963
Mar.	31	56	Speaker signed	1973
Mar.	31	56	Presented to Governor (3/31)	1979
Apr.	6	58	Returned by Governor without approval (4/6)	2109

LEGISLATIVE BILL 1103A. By Morehead

Feb.	22	30	Read first time. Placed on General File	930
Mar.	1	36	Advanced for Review	1113
Mar.	7	39	Placed on Select File	1196
Mar.	8	40	Advanced for Engrossment	1265

Mar. 10 41 Correctly Engrossed 1317
Mar. 31 56 Final Reading 35-7-7 1963
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 6 58 Returned by Governor without approval (4/6) ... 2109

LEGISLATIVE BILL 1104. By Morehead

Jan. 13 6 Read first time 314
Jan. 14 7 Referred to Committee on Education 336
Jan. 28 15 Notice of hearing (2/9) 551
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1105. By Miller

Jan. 13 6 Read first time 314
Jan. 14 7 Referred to Committee on Revenue 336
Jan. 20 9 Notice of hearing (1/27) 378
Jan. 29 16 Placed on General File - Com am #1789 586
Feb. 19 29 Miller priority bill 916
Feb. 25 33 Committee amendment #1789 adopted.
Advanced for Review 1017
Feb. 26 34 Placed on Select File - AM5347 1057
Mar. 2 37 AM5347 (E & R) adopted.
Advanced for Engrossment 1128
Mar. 7 39 Correctly Engrossed 1223
Mar. 21 48 Hannibal-Hall-V. Johnson-Wesely-Lamb-
Labedz amendment #2339 printed 1568
Apr. 5 57 Hannibal et al motion to return to
Select File pending. Miller request for
division of question. Hannibal request
for ruling of Chair. Challenge of Chair
by Chambers. Chair ruling reversed.
Returned to Select File for Hannibal
et al amendment. Hannibal et al pending
amendment #2339 p. 1568 lost. Readvanced
to Final Reading. Hall-Chambers
motion to return to Select File lost 2020
Apr. 5 57 Final Reading 47-0-2 2023
Apr. 5 57 Speaker signed 2029
Apr. 5 57 Presented to Governor (4/5) 2030
Apr. 7 59 Approved by Governor (4/6) 2173

LEGISLATIVE BILL 1105A. By Miller

Mar.	2	37	Read first time. Placed on General File	1125
Mar.	7	39	Advanced for Review	1212
Mar.	8	40	Placed on Select File	1270
Mar.	14	43	Advanced for Engrossment	1381
Mar.	16	45	Correctly Engrossed	1463
Mar.	21	48	Hannibal amendment #2652 printed	1570
Apr.	5	57	Hannibal pending amendment #2652 p. 1570 withdrawn. Final Reading 46-0-3	2024
Apr.	5	57	Speaker signed	2029
Apr.	5	57	Presented to Governor (4/5)	2030
Apr.	7	59	Approved by Governor (4/6)	2173

LEGISLATIVE BILL 1106. By Scofield

Jan.	13	6	Read first time	314
Jan.	14	7	Referred to Committee on Government, Military and Veteran Affairs	336
Feb.	9	23	Notice of hearing (2/19)	750
Feb.	23	31	Placed on General File	938
Mar.	1	36	Chambers motion to suspend rules withdrawn	1113
Mar.	1	36	Advanced for Review	1114
Mar.	2	37	Landis amendment #2312 printed	1134
Mar.	7	39	Placed on Select File - AM5379	1197
Mar.	8	40	Wesely amendment #2379 printed	1266
Apr.	6	58	AM5379 (E & R) adopted. Wesely pending amendment #2379 p. 1266 adopted. Landis pending amendment #2312 p. 1134 withdrawn. Advanced for Engrossment	2124
Apr.	6	58	Correctly Engrossed	2143
Apr.	6	58	ER0334 change	2144
Apr.	8	60	Lynch motion to suspend rules prevailed	2209
Apr.	8	60	Final Reading 45-1-3	2246
Apr.	8	60	President signed	2254
Apr.	8	60	Presented to Governor (4/8)	2257
Apr.	14	AJ	Approved by Governor (4/12)	2286

LEGISLATIVE BILL 1107. By Chizek

Jan.	13	6	Read first time	314
Jan.	14	7	Referred to Committee on Judiciary	336
Feb.	19	29	Chizek motion to withdraw laid over	899
Feb.	22	30	Chizek pending motion p. 899 prevailed. Withdrawn	925

LEGISLATIVE BILL 1108. By Chizek

Jan. 13 6 Read first time 314
Jan. 14 7 Referred to Committee on Judiciary 336
Feb. 17 27 Notice of hearing (2/25) 857
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1109. By Judiciary Committee

Jan. 13 6 Read first time 316
Jan. 14 7 Referred to Committee on Judiciary 336
Feb. 17 27 Notice of hearing (2/25) 857
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1110. By Hartnett, Landis, Wesely, Lynch, Goodrich, Abboud

Jan. 13 6 Read first time 316
Jan. 14 7 Referred to Committee on Banking, Commerce and Insurance 336
Jan. 22 11 Notice of hearing (2/1) 477
Feb. 9 23 Placed on General File - Com am #1908 ..... 765 (printed separate)
Feb. 19 29 Johanns priority bill 915
Mar. 8 40 Hartnett amendment #2146 to committee amendment printed 1261
Mar. 8 40 Johanns name added 1269
Mar. 8 40 Committee amendment #1908 adopted. Advanced for Review 1274
Mar. 10 41 Placed on Select File - AM5394 1315
Mar. 22 49 Chizek amendment #2709 to committee amendment printed 1618
Mar. 25 52 Chizek amendment #2797 to committee amendment printed 1777
Mar. 30 55 AM5394 (E & R) adopted. Hartnett pending amendment #2146 p. 1261 and Chizek pending amendment #2797 p. 1777 adopted. Chizek pending amendment #2709 p. 1618 withdrawn. Advanced for Engrossment 1917
Mar. 30 55 Conway name added 1938
Apr. 5 57 Correctly Engrossed 1999
Apr. 5 57 ER0308 change 2008
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading w/E 42-2-5 2189
Apr. 7 59 President signed 2197

Apr. 7 59 Presented to Governor (4/7) 2206
Apr. 8 60 Approved by Governor (4/8) 2243

LEGISLATIVE BILL 1111. By Morehead

Jan. 13 6 Read first time 319
Jan. 14 7 Referred to Committee on Appropriations 336
Jan. 27 14 Notice of hearing (2/3) 522
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1112. By Morehead

Jan. 13 6 Read first time 319
Jan. 14 7 Referred to Committee on Revenue 336
Jan. 29 16 Notice of hearing (2/11) 561
Feb. 23 31 Indefinitely postponed 940

LEGISLATIVE BILL 1113. By Landis

Jan. 13 6 Read first time 319
Jan. 14 7 Referred to Committee on Natural Resources 336
Jan. 22 11 Notice of hearing (1/29) 460
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1114. By Remmers

Jan. 13 6 Read first time 320
Jan. 14 7 Referred to Committee on Banking, Commerce and Insurance 336
Jan. 22 11 Notice of hearing (2/2) 477
Feb. 5 21 Placed on General File 714
Mar. 1 36 Advanced for Review 1109
Mar. 7 39 Placed on Select File 1194
Mar. 8 40 Advanced for Engrossment 1264
Mar. 10 41 Correctly Engrossed 1286
Mar. 21 48 Final Reading 45-0-4 1553
Mar. 21 48 President signed 1566
Mar. 21 48 Presented to Governor (3/21) 1567
Mar. 24 51 Approved by Governor (3/23) 1711

LEGISLATIVE BILL 1115. By Wehrbein

Jan. 14 7 Read first time 325
Jan. 14 7 Referred to Committee on Revenue 336
Jan. 20 9 Notice of hearing (1/27) 378

Jan. 29 16 Placed on General File - Com am #1785 587
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1116. By Education Committee

Jan. 14 7 Read first time 325
Jan. 14 7 Referred to Committee on Education 336
Jan. 22 11 Notice of hearing (2/2) 460
Feb. 18 28 Education Committee priority bill 875
Feb. 18 28 Placed on General File - Com am #2063 880
Mar. 7 39 Withem amendment #2360 printed 1211
Mar. 29 54 Withem amendment #2835 printed 1854
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1116A. By Withem

Mar. 3 38 Read first time. Placed on General File 1160
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1117. By Education Committee

Jan. 14 7 Read first time 326
Jan. 14 7 Referred to Committee on Education 336
Jan. 22 11 Notice of hearing (2/1) 460
Feb. 1 17 Scofield name added 628
Feb. 2 18 Placed on General File 644
Feb. 2 18 Lamb name added 646
Feb. 18 28 Education Committee priority bill 875
Feb. 19 29 Advanced for Review 920
Feb. 24 32 Schellpeper/Bernard-Stevens amendment #2177 printed 996
Feb. 25 33 Placed on Select File - AM5338 1000
Mar. 3 38 AM5338 (E & R) adopted. Langford motion to indefinitely postpone laid over 1177
Mar. 18 47 Langford pending motion p. 1177 lost. Schellpeper/Bernard-Stevens pending amendment #2177 p. 996 and amendment #2279 withdrawn. Withem amendment #2634 adopted. Advanced for Engrossment 1520
Mar. 22 49 Correctly Engrossed 1608
Mar. 31 56 Final Reading 40-2-7 1964
Mar. 31 56 Speaker signed 1973
Mar. 31 56 Presented to Governor (3/31) 1979
Apr. 7 59 Approved by Governor (4/6) 2173

LEGISLATIVE BILL 1117A. By Withem

Feb.	3	19	Read first time. Placed on General File	667
Feb.	19	29	Advanced for Review	920
Feb.	25	33	Placed on Select File	1001
Mar.	18	47	Withem amendment #2635 adopted. Advanced for Engrossment	1522
Mar.	22	49	Correctly Engrossed	1608
Mar.	31	56	Final Reading 40-2-7	1965
Mar.	31	56	Speaker signed	1973
Mar.	31	56	Presented to Governor (3/31)	1979
Apr.	6	58	Approved by Governor with line-item veto (4/6)	2108
Apr.	14	AJ	Message from Secretary of State	2286

LEGISLATIVE BILL 1118. By Hall

Jan.	14	7	Read first time	326
Jan.	14	7	Referred to Committee on Appropriations	336
Jan.	22	11	Notice of hearing (1/29)	451
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1119. By Hall

Jan.	14	7	Read first time	326
Jan.	14	7	Referred to Committee on Business and Labor	336
Jan.	22	11	Notice of hearing (2/22)	477
Mar.	2	37	Indefinitely postponed	1123

LEGISLATIVE BILL 1120. By Hall

Jan.	14	7	Read first time	326
Jan.	14	7	Referred to Committee on Education	336
Jan.	28	15	Notice of hearing (2/9)	551
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1121. By McFarland, Korshoj, Higgins, Schellpeper, Dierks

Jan.	14	7	Read first time	326
Jan.	14	7	Referred to Committee on Revenue	336
Jan.	29	16	Notice of hearing (2/25)	562
Feb.	29	35	Indefinitely postponed	1086

LEGISLATIVE BILL 1122. By McFarland, Baack, Korshoj, Higgins, Schellpeper, Scofield

Jan. 14 7 Read first time 327
Jan. 14 7 Referred to Committee on Revenue 336
Jan. 29 16 Notice of hearing (2/17) 561
Feb. 9 23 Notice of hearing (2/24) (Reset) 750
Feb. 29 35 Indefinitely postponed 1086

LEGISLATIVE BILL 1123. By Ashford, Lynch

Jan. 14 7 Read first time 333
Jan. 20 9 Referred to Committee on Health and Human Services 394
Jan. 21 10 Notice of hearing (2/10) 413
Feb. 10 24 Miller name added 769
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1124. By Wesely, Johanns

Jan. 14 7 Read first time 333
Jan. 20 9 Referred to Committee on Education 394
Jan. 22 11 Notice of hearing (2/1) 460
Feb. 2 18 Placed on General File 644
Feb. 22 30 Speaker Barrett priority bill 931
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1125. By McFarland

Jan. 14 7 Read first time 336
Jan. 20 9 Referred to Committee on Transportation 394
Jan. 25 12 Notice of hearing (2/1) 500
Feb. 3 19 Indefinitely postponed 665

LEGISLATIVE BILL 1126. By Barrett

Jan. 19 8 Read first time 348
Jan. 20 9 Referred to Committee on Judiciary 394
Feb. 10 24 Notice of hearing (2/17) 775
Feb. 22 30 Speaker Barrett priority bill 931
Feb. 25 33 Placed on General File 1021
Mar. 1 36 Chambers motion to suspend rules withdrawn ... 1113
Mar. 1 36 Advanced for Review 1116
Mar. 7 39 Placed on Select File - AM5382 1198
Mar. 8 40 AM5382 (E & R) adopted. Advanced for Engrossment 1266
Mar. 10 41 Correctly Engrossed 1317

Mar.	18	47	Barrett amendment #2170 printed	1522
Mar.	25	52	Returned to Select File for Barrett amendment. Barrett pending amendment #2170 p. 1522 adopted. Advanced for Re-Engrossment	1740
Mar.	28	53	Correctly Re-Engrossed	1810
Apr.	6	58	Final Reading 45-0-4	2132
Apr.	6	58	Speaker signed	2134
Apr.	7	59	Presented to Governor (4/7)	2147
Apr.	8	60	Approved by Governor (4/7)	2243

LEGISLATIVE BILL 1127. By Transportation Committee

Jan.	19	8	Read first time	348
Jan.	20	9	Referred to Committee on Transportation	394
Jan.	25	12	Notice of hearing (2/1)	500
Feb.	3	19	Placed on General File	665
Feb.	5	21	Lamb priority bill	689
Feb.	9	23	Correction - Transportation Committee priority bill	737
Feb.	22	30	Advanced for Review	926
Feb.	25	33	Placed on Select File	1001
Feb.	29	35	Hall amendment #2247 printed	1061
Mar.	3	38	Hall pending amendment #2247 p. 1061 withdrawn. Advanced for Engrossment	1177
Mar.	8	40	Correctly Engrossed	1280
Mar.	16	45	Final Reading 43-0-6	1451
Mar.	16	45	Speaker signed	1455
Mar.	16	45	Presented to Governor (3/16)	1458
Mar.	17	46	Approved by Governor (3/17)	1502

LEGISLATIVE BILL 1128. By Transportation Committee

Jan.	19	8	Read first time	348
Jan.	20	9	Referred to Committee on Transportation	394
Jan.	25	12	Notice of hearing (2/1)	500
Feb.	16	26	Placed on General File - Com am #1962 (printed separate)	835
Feb.	22	30	Speaker Barrett priority bill	931
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1129. By Chizek

Jan.	19	8	Read first time	348
Jan.	20	9	Referred to Committee on Judiciary	394

Feb. 2 18 Notice of hearing (2/11) 644
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1130. By Chizek

Jan. 19 8 Read first time 348
Jan. 20 9 Referred to Committee on Business and Labor 394
Jan. 22 11 Notice of hearing (2/8) 477
Feb. 16 26 Placed on General File - Com am #2010 828
Mar. 1 36 Committee amendment #2010 adopted.
Advanced for Review 1111
Mar. 7 39 Placed on Select File - AM5376 1195
Mar. 8 40 AM5376 (E & R) adopted.
Advanced for Engrossment 1264
Mar. 10 41 Correctly Engrossed 1317
Mar. 21 48 Final Reading 45-0-4 1554
Mar. 21 48 President signed 1566
Mar. 21 48 Presented to Governor (3/21) 1567
Mar. 24 51 Approved by Governor (3/23) 1711

LEGISLATIVE BILL 1131. By Chizek

Jan. 19 8 Read first time 349
Jan. 20 9 Referred to Committee on General Affairs 394
Feb. 4 20 Notice of hearing (2/29) 673
Mar. 3 38 Indefinitely postponed 1144

LEGISLATIVE BILL 1132. By Marsh

Jan. 19 8 Read first time 352
Jan. 20 9 Referred to Committee on Education 394
Jan. 22 11 Weihing name added 450
Jan. 22 11 Notice of hearing (2/1) 460
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1133. By Bernard-Stevens

Jan. 19 8 Read first time 352
Jan. 20 9 Referred to Committee on Government,
Military and Veterans Affairs 394
Jan. 27 14 Notice of hearing (2/3) 533
Feb. 9 23 Placed on General File 757
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1134. By Hartnett, Lynch, Withem

Jan.	19	8	Read first time	352
Jan.	20	9	Referred to Committee on Urban Affairs	394
Jan.	26	13	Notice of hearing (2/2)	504
Feb.	4	20	Placed on General File - Com am #1872	679
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1135. By Hartnett, Lynch, Withem

Jan.	19	8	Read first time	352
Jan.	20	9	Referred to Committee on Urban Affairs	394
Jan.	26	13	Notice of hearing (2/2)	504
Feb.	16	26	Placed on General File - Com am #1871	841
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1136. By Hartnett, Withem

Jan.	19	8	Read first time	352
Jan.	20	9	Referred to Committee on Government, Military and Veterans Affairs	394
Jan.	22	11	Notice of hearing (1/29)	476
Feb.	10	24	Placed on General File	768
Mar.	1	36	Advanced for Review	1110
Mar.	3	38	Baack amendment #2326 printed	1158
Mar.	7	39	Placed on Select File - AM5375	1194
Mar.	8	40	AM5375 (E & R) adopted. Baack pending amendment #2326 p. 1158 withdrawn. Advanced for Engrossment	1264
Mar.	10	41	Correctly Engrossed	1286
Mar.	25	52	Baack motion to return to Select File lost	1740
Mar.	25	52	Final Reading 44-0-5	1741
Mar.	25	52	President signed	1750
Mar.	25	52	Abboud explanation of vote	1763
Mar.	25	52	Presented to Governor (3/25)	1764
Apr.	5	57	Approved by Governor (3/31)	2010

LEGISLATIVE BILL 1137. By Hartnett

Jan.	19	8	Read first time	352
Jan.	20	9	Referred to Committee on Banking, Commerce and Insurance	394
Jan.	22	11	Notice of hearing (2/2)	477
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1138. By Hartnett

Jan. 19 8 Read first time 353
Jan. 20 9 Referred to Committee on Revenue 394
Jan. 29 16 Notice of hearing (2/11) 561
Feb. 23 31 Placed on General File 939
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1139. By Moore

Jan. 19 8 Read first time 353
Jan. 20 9 Referred to Committee on Education 394
Jan. 22 11 Notice of hearing (2/2) 460
Feb. 3 19 Indefinitely postponed 661

LEGISLATIVE BILL 1140. By Moore

Jan. 19 8 Read first time 353
Jan. 20 9 Referred to Committee on Education 394
Jan. 28 15 Notice of hearing (3/1) 552
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1141. By Education Committee

Jan. 19 8 Read first time 363
Jan. 20 9 Referred to Committee on Education 394
Jan. 28 15 Notice of hearing (3/1) 552
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1142. By Education Committee

Jan. 19 8 Read first time 363
Jan. 20 9 Referred to Committee on Education 394
Jan. 28 15 Notice of hearing (2/8) 551
Feb. 17 27 Placed on General File 860
Mar. 1 36 Advanced for Review 1113
Mar. 7 39 Placed on Select File - AM5384 1196
Mar. 8 40 AM5384 (E & R) adopted.
Advanced for Engrossment 1265
Mar. 10 41 Correctly Engrossed 1317
Mar. 21 48 Final Reading 45-0-4 1555
Mar. 21 48 President signed 1566
Mar. 21 48 Presented to Governor (3/21) 1567
Mar. 24 51 Approved by Governor (3/23) 1711

LEGISLATIVE BILL 1143. By Building Maintenance Committee

Jan.	19	8	Read first time	363
Jan.	20	9	Referred to Committee on Government, Military and Veterans Affairs	394
Jan.	22	11	Peterson name added	450
Jan.	27	14	Notice of hearing (2/3)	533
Feb.	16	26	Placed on General File - Com am #2014	835
Feb.	19	29	Korshoj priority bill	907
Mar.	11	42	Committee amendment #2014 adopted. Advanced for Review	1339
Mar.	14	43	Placed on Select File - AM5400	1379
Mar.	29	54	Ashford-Hall amendment #2832 printed	1855
Mar.	30	55	AM5400 (E & R) adopted. Peterson-Korshoj-L. Johnson-Warner-Higgins-Campbell amendment #2790 adopted. Ashford-Hall pending amendment #2832 p. 1855 adopted as amended by Warner amendment #2880. Advanced for Engrossment	1928
Apr.	5	57	Correctly Engrossed	1999
Apr.	5	57	ER0305 change	2008
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Final Reading w/E 48-0-1	2190
Apr.	7	59	President signed	2197
Apr.	7	59	Presented to Governor (4/7)	2206
Apr.	8	60	Returned by Governor without approval (4/8)	2241
Apr.	8	60	Peterson motion to override veto passed 33-0-16	2270
Apr.	8	60	Communication and Certificate	2279
Apr.	14	AJ	Message from Secretary of State	2287
Apr.	14	AJ	Certificate	2288

LEGISLATIVE BILL 1143A. By Korshoj

Feb.	19	29	Read first time. Placed on General File	908
Mar.	11	42	Advanced for Review	1339
Mar.	14	43	Placed on Select File	1379
Mar.	30	55	Advanced for Engrossment	1929
Apr.	5	57	Correctly Engrossed	1999
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Final Reading 47-0-2	2191
Apr.	7	59	President signed	2197
Apr.	7	59	Presented to Governor (4/7)	2206
Apr.	8	60	Returned by Governor without approval (4/8)	2241
Apr.	8	60	Peterson motion to override veto	

failed 22-21-6 2271

LEGISLATIVE BILL 1144. By V. Johnson

Jan. 19 8 Read first time 364
Jan. 20 9 Referred to Committee on Appropriations 394
Feb. 1 17 Notice of hearing (2/11) 616
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1145. By Dierks, Schellpeper

Jan. 19 8 Read first time 364
Jan. 20 9 Referred to Committee on Appropriations 394
Jan. 27 14 Notice of hearing (2/3) 522
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1146. By Hall

Jan. 20 9 Read first time 384
Jan. 21 10 Referred to Committee on Business and Labor 417
Jan. 22 11 Notice of hearing (2/1) 477
Jan. 29 16 Attorney General's Opinion #88004 to Hall 572
Feb. 3 19 Placed on General File - Com am #1834 653
Mar. 1 36 Committee amendment #1834 adopted.
Advanced for Review 1108
Mar. 7 39 Placed on Select File - AM5372 1193
Mar. 8 40 AM5372 (E & R) adopted.
Advanced for Engrossment 1263
Mar. 10 41 Correctly Engrossed 1286
Mar. 21 48 Final Reading w/E 46-0-3 1556
Mar. 21 48 President signed 1566
Mar. 21 48 Presented to Governor (3/21) 1567
Mar. 24 51 Approved by Governor (3/23) 1711

LEGISLATIVE BILL 1147. By Chambers

Jan. 20 9 Read first time 384
Jan. 21 10 Referred to Committee on Judiciary 417
Feb. 17 27 Notice of hearing (2/24) 857
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1148. By Chambers

Jan. 20 9 Read first time 384
Jan. 21 10 Referred to Committee on Government,

Military and Veterans Affairs 417
Jan. 27 14 Notice of hearing (2/3) 533
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1149. By Chambers

Jan. 20 9 Read first time 384
Jan. 21 10 Referred to Committee on Judiciary 417
Feb. 17 27 Notice of hearing (2/25) 857
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1150. By Chambers

Jan. 20 9 Read first time 384
Jan. 21 10 Referred to Committee on Juciciary 417
Feb. 10 24 Notice of hearing (2/18) 775
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1151. By Pirsch

Jan. 20 9 Read first time 385
Jan. 21 10 Referred to Committee on Judiciary 417
Feb. 10 24 Notice of hearing (2/19) 775
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1152. By Smith

Jan. 20 9 Read first time 385
Jan. 21 10 Referred to Committee on Transportation 417
Jan. 29 16 Notice of hearing (2/8) 591
Feb. 5 21 Lynch name added 715
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1153. By Hartnett

Jan. 20 9 Read first time 385
Jan. 21 10 Referred to Committee on Urban Affairs 417
Jan. 29 16 Notice of hearing (2/16) 562
Feb. 23 31 Indefinitely postponed 943

LEGISLATIVE BILL 1154. By Hartnett

Jan. 20 9 Read first time 385
Jan. 21 10 Referred to Committee on Urban Affairs 417
Jan. 29 16 Notice of hearing (2/16) 562

Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1155. By Hartnett

Jan. 20 9 Read first time 385
Jan. 21 10 Referred to Committee on Urban Affairs 417
Jan. 29 16 Notice of hearing (2/9) 562
Feb. 10 24 Placed on General File 776
Feb. 17 27 Withem amendments #2041 and #2040 printed 866
Feb. 17 27 Withem amendment #2042 printed 867
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1156. By Hartnett

Jan. 20 9 Read first time 385
Jan. 21 10 Referred to Committee on Urban Affairs 417
Jan. 29 16 Notice of hearing (2/9) 562
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1157. By Landis

Jan. 20 9 Read first time 386
Jan. 21 10 Referred to Committee on Banking, Commerce and Insurance 417
Jan. 22 11 Notice of hearing (2/1) 477
Feb. 3 19 Placed on General File 652
Mar. 1 36 Advanced for Review 1108
Mar. 7 39 Placed on Select File - AM5371 1192
Mar. 8 40 AM5371 (E & R) adopted. Advanced for Engrossment 1263
Mar. 10 41 Correctly Engrossed 1286
Mar. 21 48 Returned to Select File for Landis amendment. Landis amendment #2663 adopted. Advanced for Re-Engrossment 1557
Mar. 23 50 Correctly Re-Engrossed 1665
Mar. 23 50 ER0287 change 1666
Mar. 25 52 Landis amendment #2758 printed 1780
Mar. 28 53 Returned to Select File for Landis amendment. Landis pending amendment #2758 p. 1780 adopted. Advanced for Re-Engrossment 1800
Mar. 29 54 Correctly Re-Engrossed 1848
Apr. 6 58 Final Reading 47-0-2 2138
Apr. 6 58 Speaker signed 2141

Apr. 7 59 Presented to Governor (4/7) 2147
Apr. 8 60 Approved by Governor (4/7) 2243

LEGISLATIVE BILL 1158. By Schmit

Jan. 20 9 Read first time 386
Jan. 21 10 Referred to Committee on Agriculture 417
Jan. 28 15 Notice of hearing (2/16) 548
Feb. 1 17 Notice of hearing (2/9) (Reset) 627
Feb. 11 25 Placed on General File 792
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1159. By Rogers, Dierks

Jan. 20 9 Read first time 386
Jan. 21 10 Referred to Committee on Government, Military and Veterans Affairs 417
Feb. 9 23 Notice of hearing (2/18) 750
Feb. 23 31 Placed on General File 938
Mar. 1 36 Chambers motion to suspend rules withdrawn ... 1113
Mar. 1 36 Advanced for Review 1115
Mar. 7 39 Placed on Select File 1197
Mar. 8 40 Advanced for Engrossment 1265
Mar. 10 41 Correctly Engrossed. ER0281 change 1317
Mar. 21 48 Final Reading 41-0-8 1558
Mar. 21 48 President signed 1566
Mar. 21 48 Presented to Governor (3/21) 1567
Mar. 24 51 Approved by Governor (3/23) 1711

LEGISLATIVE BILL 1160. By Schmit

Jan. 20 9 Read first time 386
Jan. 21 10 Referred to Committee on Appropriations 417
Feb. 1 17 Notice of hearing (2/9) 616
Mar. 3 38 Placed on General File - Com am #2301 1168
Mar. 18 47 Committee amendment #2301 adopted. Advanced for Review 1515
Mar. 22 49 Placed on Select File 1603
Mar. 23 50 Advanced for Engrossment 1648
Mar. 23 50 Correctly Engrossed 1697
Apr. 5 57 Warner amendment #2950 printed 2061
Apr. 6 58 Returned to Select File for Warner amendment. Warner pending amendment #2950 p. 2061 adopted. Advanced for Re-Engrossment. Returned to Select

File for Hannibal amendment. Hannibal amendment #2961 adopted. Advanced for Re-Engrossment. Returned to Select File for Hannibal amendment. Hannibal amendment #2985 adopted. Advanced for Re-Engrossment 2125
Apr. 6 58 Correctly Re-Engrossed 2143
Apr. 6 58 ER0335 change 2144
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Hall and Warner motions to return to Select File withdrawn 2247
Apr. 8 60 Final Reading w/E 34-11-4 2248
Apr. 8 60 President signed 2254
Apr. 8 60 Presented to Governor (4/8) 2257
Apr. 14 AJ Approved by Governor with line-item veto (4/13) 2305

LEGISLATIVE BILL 1161. By Schmit

Jan. 20 9 Read first time 386
Jan. 21 10 Referred to Committee on Transportation 417
Jan. 25 12 Rereferred to Committee on Revenue 499
Jan. 27 14 Notice of hearing (2/4) 533
Feb. 8 22 Indefinitely postponed 732

LEGISLATIVE BILL 1162. By Schmit

Jan. 20 9 Read first time 387
Jan. 21 10 Referred to Committee on Transportation 417
Jan. 25 12 Rereferred to Committee on Revenue 499
Jan. 27 14 Notice of hearing (2/4) 533
Feb. 11 25 Indefinitely postponed 807
Feb. 22 30 Schmit motion to place on General File laid over 936
Feb. 29 35 Schmit pending motion p. 936 lost 1063

LEGISLATIVE BILL 1163. By Goodrich

Jan. 20 9 Read first time 387
Jan. 21 10 Referred to Committee on Revenue 417
Jan. 29 16 Notice of hearing (2/10) 561
Feb. 11 25 Indefinitely postponed 807

LEGISLATIVE BILL 1164. By Barrett

Jan.	20	9	Read first time	387
Jan.	21	10	Referred to Committee on Appropriations	417
Feb.	1	17	Notice of hearing (2/11)	616
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1165. By Bernard-Stevens, Scofield, Morehead, Baack, Barrett, Lamb

Jan.	20	9	Read first time	395
Jan.	21	10	Referred to Committee on Revenue	417
Jan.	27	14	Notice of hearing (2/4)	533
Feb.	8	22	Placed on General File - Com am #1922	731
Feb.	19	29	Bernard-Stevens priority bill	916
Mar.	3	38	Committee amendment #1922 adopted. Advanced for Review	1149
Mar.	8	40	Placed on Select File - AM5389	1252
Mar.	14	43	AM5389 (E & R) adopted. Advanced for Engrossment	1381
Mar.	16	45	Correctly Engrossed	1463
Apr.	5	57	Final Reading 47-0-2	2025
Apr.	5	57	Speaker signed	2029
Apr.	5	57	Presented to Governor (4/5)	2030
Apr.	7	59	Approved by Governor (4/6)	2173

LEGISLATIVE BILL 1166. By Government, Military and Veterans Affairs Committee

Jan.	20	9	Read first time	395
Jan.	21	10	Referred to Committee on Government, Military and Veterans Affairs	417
Jan.	21	10	Notice of hearing (1/28)	441
Feb.	2	18	Indefinitely postponed	641

LEGISLATIVE BILL 1167. By Government, Military and Veterans Affairs Committee

Jan.	20	9	Read first time	395
Jan.	21	10	Referred to Committee on Government, Military and Veteran Affairs	417
Jan.	21	10	Notice of hearing (1/28)	441
Feb.	4	20	Placed on General File - Com am #1869	686
Feb.	10	24	Government, Military and Veteran Affairs Committee priority bill	769
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1168. By Haberman

Jan.	20	9	Read first time	396
Jan.	21	10	Referred to Committee on Government, Military and Veterans Affairs	417
Jan.	25	12	Haberman motion to withdraw laid over	487
Jan.	26	13	Haberman pending motion p. 487 prevailed. Withdrawn	507

LEGISLATIVE BILL 1169. By Nebraska Retirement Systems Committee

Jan.	20	9	Read first time	396
Jan.	21	10	Referred to Committee on Nebraska Retirement Systems	417
Jan.	25	12	Notice of hearing (2/2)	500
Feb.	3	19	Placed on General File	655
Mar.	1	36	Advanced for Review	1108
Mar.	7	39	Placed on Select File	1193
Mar.	8	40	Advanced for Engrossment	1263
Mar.	10	41	Correctly Engrossed	1286
Mar.	21	48	Final Reading 42-0-7	1559
Mar.	21	48	President signed	1566
Mar.	21	48	Presented to Governor (3/21)	1567
Mar.	24	51	Approved by Governor (3/23)	1711

LEGISLATIVE BILL 1170. By Nebraska Retirement Systems Committee

Jan.	20	9	Read first time	396
Jan.	21	10	Referred to Committee on Nebraska Retirement Systems	417
Jan.	25	12	Notice of hearing (2/2)	500
Feb.	3	19	Placed on General File	655
Mar.	1	36	Advanced for Review	1108
Mar.	7	39	Placed on Select File - AM5373	1193
Mar.	8	40	AM5373 (E & R) adopted. Advanced for Engrossment	1263
Mar.	10	41	Correctly Engrossed	1286
Mar.	15	44	Haberman amendment #2129 printed	1410
Mar.	28	53	Returned to Select File for Haberman amendment. Haberman pending amendment #2129 p. 1410 adopted. Advanced for Re-Engrossment. Returned to Select File for Wesely-Morehead amendment.	

Wesely-Morehead amendment #2803
adopted. Advanced for Re-Engrossment 1791
Mar. 29 54 Correctly Re-Engrossed. ER0294 change 1848
Mar. 30 55 Wesely amendment #2887 printed 1925
Mar. 31 56 Wesely name added 1970
Apr. 8 60 Wesely motion to return to Select
File withdrawn. Final Reading 43-0-6 2212
Apr. 8 60 President signed 2220
Apr. 8 60 Presented to Governor (4/8) 2234
Apr. 14 AJ Approved by Governor (4/11) 2286

LEGISLATIVE BILL 1171. By Wesely

Jan. 20 9 Read first time 396
Jan. 21 10 Referred to Committee on Banking,
Commerce and Insurance 417
Jan. 29 16 Notice of hearing (2/22) 562
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1172. By Chambers

Jan. 20 9 Read first time 403
Jan. 21 10 Referred to Committee on Judiciary 417
Feb. 10 24 Notice of hearing (2/19) 775
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1173. By Chambers

Jan. 20 9 Read first time 403
Jan. 21 10 Referred to Committee on Judiciary 417
Feb. 10 24 Notice of hearing (2/19) 776
Mar. 1 36 Placed on General File 1093
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1174. By Landis, L. Johnson, Moore, Withem

Jan. 20 9 Read first time 403
Jan. 21 10 Referred to Committee on Government,
Military and Veterans Affairs 417
Jan. 22 11 Notice of hearing (1/29) 476
Feb. 16 26 Placed on General File 835
Mar. 1 36 Advanced for Review 1112
Mar. 7 39 Placed on Select File - AM5377 1195
Mar. 8 40 AM5377 (E & R) adopted.
Advanced for Engrossment 1265

Mar. 8 40 V. Johnson amendment #2418 printed 1271
Mar. 10 41 Correctly Engrossed. ER0282 change 1317
Mar. 16 45 V. Johnson amendment #2568 printed 1427
Apr. 5 57 V. Johnson pending amendment #2418 p. 1271 withdrawn. Returned to Select File for V. Johnson amendment 2026
Apr. 6 58 V. Johnson pending amendment p. 2026 adopted. V. Johnson pending amendment #2568 p. 1427 withdrawn. Advanced for Re-Engrossment 2127
Apr. 6 58 Correctly Re-Engrossed 2143
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Warner-Morehead motion to return to Select File lost. Final Reading 26-21-2 2249
Apr. 8 60 President signed 2254
Apr. 8 60 Presented to Governor (4/8) 2257
Apr. 14 AJ Approved by Governor (4/12) 2286

LEGISLATIVE BILL 1175. By Lynch, Hartnett

Jan. 20 9 Read first time 403
Jan. 21 10 Referred to Committee on Revenue 417
Jan. 29 16 Notice of hearing (2/10) 561
Feb. 11 25 Indefinitely postponed 807

LEGISLATIVE BILL 1176. By Goodrich

Jan. 20 9 Read first time 404
Jan. 21 10 Referred to Committee on Judiciary 417
Feb. 10 24 Notice of hearing (2/19) 776
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1177. By Ashford, Johanns, Hartnett, Hall, Lynch

Jan. 20 9 Read first time 404
Jan. 21 10 Referred to Committee on General Affairs 417
Jan. 22 11 Notice of hearing (2/1) 460
Feb. 8 22 Placed on General File - Com am #1916 722
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1178. By Conway, Ashford

Jan. 20 9 Read first time 404
Jan. 21 10 Referred to Committee on Judiciary 417

Jan.	26	13	Notice of hearing (2/4)	508
Jan.	28	15	Notice of hearing (2/26) (Reset)	551
Feb.	19	29	Conway priority bill	916
Mar.	1	36	Placed on General File - Com am #2262	1093
Mar.	16	45	Conway amendment #2615 to committee amendment printed	1458
Mar.	23	50	Conway-Ashford amendment #2739 to committee amendment printed	1668
Mar.	23	50	Pending	1697
Mar.	24	51	Conway pending amendment #2615 p. 1458 withdrawn. Committee amendment #2262 adopted as amended by Conway-Ashford pending amendment #2739 p. 1668. Advanced for Review	1720
Mar.	28	53	Placed on Select File - AM5426 (printed separate)	1797
Mar.	31	56	Hall amendment #2874 to AM5426 printed	1990
Apr.	5	57	AM5426 (E & R) adopted. Conway-Chizek amendment #2861 and Schmit amendment adopted. Hall pending amendment #2874 p. 1990 withdrawn. Smith-Johanns-Warner-Lynch-Korshoj amendment #2907 lost. Pirsch amendment to amendment #2907 ruled not germane. Pirsch amendment withdrawn. Advanced for Engrossment	2036
Apr.	6	58	Correctly Engrossed	2083
Apr.	8	60	Lynch motion to suspend rules prevailed	2209
Apr.	8	60	Ashford motion to return to Select File withdrawn	2250
Apr.	8	60	Final Reading 33-10-6	2251
Apr.	8	60	President signed	2254
Apr.	8	60	Presented to Governor (4/8)	2257
Apr.	14	AJ	Returned by Governor without approval (4/13)	2301

LEGISLATIVE BILL 1179. By Bernard-Stevens

Jan.	21	10	Read first time	419
Jan.	22	11	Referred to Committee on Transportation	461
Jan.	29	16	Notice of hearing (2/22)	591
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1180. By V. Johnson

Jan.	21	10	Read first time	420
Jan.	22	11	Referred to Committee on Health and	

Human Services 461
Jan. 26 13 Notice of Hearing (2/17) 513
Jan. 28 15 Notice of Hearing (2/19) (Reset) 551
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1181. By Schmit

Jan. 21 10 Read first time 420
Jan. 22 11 Referred to Committee on Natural Resources 461
Feb. 2 18 Notice of hearing (2/11) 632
Feb. 26 34 Placed on General File - Com am #2189 1045
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1182. By Schmit

Jan. 21 10 Read first time 420
Jan. 22 11 Referred to Committee on Natural Resources 461
Jan. 27 14 Notice of hearing (2/4) 527
Feb. 19 29 Natural Resources Committee priority bill 922
Feb. 25 33 Placed on General File - Com am #2190 1023
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1183. By Schmit

Jan. 21 10 Read first time 420
Jan. 22 11 Referred to Committee on Revenue 461
Jan. 29 16 Notice of hearing (2/10) 561
Feb. 11 25 Indefinitely postponed 807

LEGISLATIVE BILL 1184. By Schmit

Jan. 21 10 Read first time 420
Jan. 22 11 Referred to Committee on Revenue 461
Jan. 27 14 Notice of hearing (2/3) 532
Feb. 8 22 Placed on General File - Com am #1881 731
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1185. By Nelson, Wehrbein, Smith, Schellpeper, Ashford

Jan. 21 10 Read first time 420
Jan. 22 11 Referred to Committee on Health and Human Services 461
Jan. 26 13 Notice of hearing (2/18) 514

Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1186. By Nelson, Wehrbein

Jan. 21 10 Read first time 421
Jan. 22 11 Referred to Committee on Judiciary 461
Feb. 2 18 Notice of hearing (2/10) 644
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1187. By R. Johnson

Jan. 21 10 Read first time 421
Jan. 22 11 Referred to Committee on Agriculture 461
Jan. 28 15 Notice of hearing (2/16) 548
Feb. 1 17 Notice of hearing (2/23) (Reset) 627
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1188. By Johanns

Jan. 21 10 Read first time 421
Jan. 22 11 Referred to Committee on Health and Human Services 461
Jan. 26 13 Notice of hearing (2/18) 514
Feb. 23 31 Placed on General File 954
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1189. By Hartnett

Jan. 21 10 Read first time 421
Jan. 22 11 Referred to Committee on Banking, Commerce and Insurance 461
Jan. 29 16 Notice of hearing (2/22) 562
Feb. 24 32 Indefinitely postponed 969

LEGISLATIVE BILL 1190. By Hartnett

Jan. 21 10 Read first time 421
Jan. 22 11 Referred to Committee on Urban Affairs 461
Jan. 29 16 Notice of hearing (2/16) 562
Feb. 19 29 Indefinitely postponed 916

LEGISLATIVE BILL 1191. By Hartnett

Jan. 21 10 Read first time 422
Jan. 22 11 Referred to Committee on Revenue 461

Jan. 27 14 Notice of hearing (2/4) 533
Feb. 8 22 Placed on General File - Com am #1924 732
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1192. By Lamb, Scofield, Dierks

Jan. 21 10 Read first time 422
Jan. 22 11 Referred to Committee on Appropriations 461
Feb. 1 17 Notice of hearing (2/9) 616
Feb. 19 29 Lamb priority bill 916
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1193. By McFarland

Jan. 21 10 Read first time 422
Jan. 22 11 Referred to Committee on Education 461
Jan. 28 15 Notice of hearing (2/16) 552
Feb. 17 27 Placed on General File 860
Mar. 1 36 Chambers motion to suspend rules withdrawn. Advanced for Review 1113
Mar. 7 39 Placed on Select File 1196
Mar. 8 40 Advanced for Engrossment 1265
Mar. 10 41 Correctly Engrossed 1317
Mar. 21 48 Final Reading 42-0-7 1560
Mar. 21 48 President signed 1566
Mar. 21 48 Presented to Governor (3/21) 1567
Mar. 24 51 Approved by Governor (3/23) 1711

LEGISLATIVE BILL 1194. By Scofield, Lamb, Johanns, Lynch, Wesely, Hall, Smith, Coordsen, Dierks, Morehead, Baack

Jan. 21 10 Read first time 422
Jan. 22 11 Referred to Committee on Government, Military and Veterans Affairs 461
Feb. 9 23 Notice of hearing (2/19) 750
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1195. By Ashford, Morehead, Chizek

Jan. 21 10 Read first time 422
Jan. 22 11 Referred to Committee on Transportation 461
Jan. 29 16 Notice of hearing (2/9) 591
Feb. 23 31 Placed on General File - Com am #2111 958
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1196. By Withem

Jan.	21	10	Read first time	423
Jan.	22	11	Referred to Committee on Urban Affairs	461
Jan.	29	16	Notice of hearing (2/23)	562
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1197. By Withem

Jan.	21	10	Read first time	423
Jan.	22	11	Referred to Committee on Education	461
Jan.	28	15	Notice of hearing (2/16)	552
Feb.	17	27	Placed on General File	860
Mar.	1	36	Chambers motion to suspend rules withdrawn. Advanced for Review	1113
Mar.	7	39	Placed on Select File - AM5378	1196
Mar.	8	40	AM5378 (E & R) adopted. Advanced for Engrossment	1265
Mar.	10	41	Correctly Engrossed	1317
Mar.	21	48	Final Reading 44-0-5	1561
Mar.	21	48	President signed	1566
Mar.	21	48	Presented to Governor (3/21)	1567
Mar.	24	51	Approved by Governor (3/23)	1711

LEGISLATIVE BILL 1198. By Chizek, Hall

Jan.	21	10	Read first time	423
Jan.	22	11	Referred to Committee on General Affairs	461
Feb.	4	20	Notice of hearing (2/29)	673
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1199. By Chizek, Labedz, Ashford

Jan.	21	10	Read first time	423
Jan.	22	11	Referred to Committee on Judiciary	461
Feb.	2	18	Notice of hearing (2/10)	644
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1200. By Moore

Jan.	21	10	Read first time	423
Jan.	22	11	Referred to Committee on Education	461
Jan.	28	15	Notice of hearing (3/1)	552
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1201. By Moore

Jan. 21 10 Read first time 423
Jan. 22 11 Referred to Committee on Revenue 461
Jan. 29 16 Notice of hearing (2/11) 561
Feb. 23 31 Indefinitely postponed 940

LEGISLATIVE BILL 1202. By Schmit, Hall, Labedz, Johanns, R. Johnson, Elmer, Weihing, Lamb

Jan. 21 10 Read first time 424
Jan. 22 11 Referred to Committee on Natural Resources 461
Feb. 2 18 Notice of hearing (2/11) 632
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1203. By Abboud, Chizek, Hannibal, Beyer

Jan. 21 10 Read first time 424
Jan. 22 11 Referred to Committee on Government, Military and Veterans Affairs 461
Feb. 9 23 Notice of hearing (2/25) 750
Mar. 2 37 Placed on General File - Com am #2298 1128
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1204. By Withem

Jan. 21 10 Read first time 424
Jan. 22 11 Referred to Committee on Appropriations 461
Feb. 1 17 Notice of hearing (2/16) 616
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1205. By Schmit, Higgins, Beyer, Wehrbein, Moore, Dierks, Korshoj

Jan. 21 10 Read first time 424
Jan. 22 11 Referred to Committee on Government, Military and Veterans Affairs 461
Feb. 9 23 Notice of hearing (2/24) 750
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1206. By Wesely

Jan. 21 10 Read first time 427
Jan. 22 11 Referred to Committee on Government,

Military and Veterans Affairs 461
Feb. 9 23 Notice of hearing (2/26) 750
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1207. By Landis

Jan. 21 10 Read first time 427
Jan. 22 11 Referred to Committee on Revenue 461
Jan. 27 14 Notice of hearing (2/3) 532
Feb. 11 25 Notice of hearing (2/17) (rehearing) 802
Feb. 11 25 Landis amendment #1999 printed 813
Feb. 19 29 Revenue Committee priority bill 915
Feb. 23 31 Placed on General File - Com am #2108 940
(printed separate)
Mar. 16 45 Committee amendment #2108 adopted as amended by Landis amendment #2580 and R. Johnson amendment #2605 (See correction). Landis pending amendment #1999 p. 813 withdrawn.
Advanced for Review 1455
Mar. 17 46 Correction 1470
Mar. 18 47 Placed on Select File - AM5408 1526
Mar. 23 50 Landis amendment #2722 to committee amendment printed 1637
Mar. 24 51 Attorney General's Opinion #88026 to Haberman 1711
Mar. 31 56 AM5408 (E & R) adopted. Landis request to substitute amendment prevailed. Landis pending amendment #2722 p. 1637 withdrawn. Landis substitute amendment #2918 adopted. Schmit amendment #2923 withdrawn. Advanced for Engrossment 1980
Apr. 5 57 Correctly Engrossed 1999
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Landis motion to return to Select File withdrawn 2191
Apr. 7 59 Final Reading w/E 35-11-3 2192
Apr. 7 59 President signed 2197
Apr. 7 59 Presented to Governor (4/7) 2206
Apr. 8 60 Approved by Governor (4/8) 2243

LEGISLATIVE BILL 1207A. By Landis

Mar. 14 43 Read first time. Placed on General File 1382
Mar. 16 45 Advanced for Review 1458
Mar. 18 47 Placed on Select File - AM5409 1526

Mar. 31 56 AM5409 (E & R) adopted.
Advanced for Engrossment 1982
Apr. 5 57 Correctly Engrossed 1999
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading w/E 39-0-10 2193
Apr. 7 59 President signed 2197
Apr. 7 59 Presented to Governor (4/7) 2206
Apr. 8 60 Approved by Governor (4/8) 2243

LEGISLATIVE BILL 1208. By V. Johnson

Jan. 21 10 Read first time 427
Jan. 22 11 Referred to Committee on Transportation 461
Jan. 29 16 Notice of hearing (2/16) 591
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1209. By Hannibal

Jan. 21 10 Read first time 427
Jan. 22 11 Referred to Committee on Banking,
Commerce and Insurance 461
Jan. 29 16 Notice of hearing (2/22) 562
Feb. 24 32 Indefinitely postponed 970

LEGISLATIVE BILL 1210. By Withem

Jan. 21 10 Read first time 428
Jan. 22 11 Referred to Committee on Education 462
Jan. 28 15 Notice of hearing (2/22) 552
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1211. By Chizek, Ashford

Jan. 21 10 Read first time 428
Jan. 22 11 Referred to Committee on Urban Affairs 462
Jan. 29 16 Notice of hearing (2/9) 562
Feb. 16 26 Indefinitely postponed 843

LEGISLATIVE BILL 1212. By Lynch

Jan. 21 10 Read first time 428
Jan. 22 11 Referred to Committee on Business and Labor 462
Jan. 22 11 Notice of hearing (2/22) 477
Mar. 2 37 Indefinitely postponed 1123

LEGISLATIVE BILL 1213. By Peterson

Jan.	21	10	Read first time	428
Jan.	22	11	Referred to Committee on Government, Military and Veterans Affairs	462
Feb.	2	18	Peterson motion to withdraw laid over	631
Feb.	3	19	Peterson pending motion p. 631 prevailed. Withdrawn	649

LEGISLATIVE BILL 1214. By Morehead, Miller, Korshoj, Landis, Marsh, Elmer, Lamb, Coordsen, R. Johnson, Chambers, Peterson

Jan.	21	10	Read first time	429
Jan.	22	11	Referred to Committee on General Affairs	462
Jan.	29	16	Notice of hearing (2/8)	565
Feb.	19	29	Indefinitely postponed	899

LEGISLATIVE BILL 1215. By Goodrich

Jan.	21	10	Read first time	429
Jan.	22	11	Referred to Committee on Government, Military and Veterans Affairs	462
Feb.	9	23	Notice of hearing (2/18)	750
Feb.	23	31	Indefinitely postponed	938

LEGISLATIVE BILL 1216. By Coordsen, Wehrbein, Schellpeper

Jan.	21	10	Read first time	429
Jan.	22	11	Referred to Committee on Education	462
Jan.	28	15	Notice of hearing (2/22)	552
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1217. By R. Johnson, Abboud, Wesely, Hall, Hefner, Morehead, Bernard-Stevens, Scofield, Miller, Barrett, Weihing, Coordsen, Wehrbein, Elmer, Smith, Moore, Nelson, Baack, Korshoj, Conway, Schellpeper, Dierks, Lamb

Jan.	21	10	Read first time	429
Jan.	22	11	Referred to Committee on Natural Resources	462
Jan.	25	12	R. Johnson motion to rerefer to Agriculture Committee laid over	487
Jan.	26	13	R. Johnson pending motion p. 487 withdrawn	507
Jan.	27	14	Notice of hearing (2/3)	527
Feb.	19	29	Smith priority bill	922
Feb.	25	33	Placed on General File - Com am #2106	1026

(printed separate)
Mar. 10 41 Smith amendment #2430 (1) to committee amendment printed 1326
Mar. 10 41 Smith amendments #2428 (2) and #2429 (3) to committee amendment printed 1327
Mar. 11 42 Smith amendment #2525 to committee amendment printed 1349
Mar. 21 48 Smith pending amendments #2430, #2428 and #2429 p. 1326-1327 withdrawn. Smith pending amendment #2525 p. 1349 to committee amendment adopted 1576
Mar. 22 49 Schmit amendment #2701 to committee amendment adopted 1592
Mar. 22 49 Committee amendment #2106 adopted as amended. Schmit amendment #2706 adopted. Schmit amendments #2702 and #2678 withdrawn. Advanced for Review 1594
Mar. 25 52 Placed on Select File - AM5421 1765
(printed separate)
Mar. 30 55 R. Johnson amendment #2773 to AM5421 printed 1894
Mar. 30 55 R. Johnson amendment #2781 to AM5421 printed 1895
Apr. 5 57 AM5421 (E & R) adopted. R. Johnson pending amendment #2773 p. 1894 withdrawn. R. Johnson pending amendment #2781 p. 1895 adopted. Schmit amendment #2909 withdrawn. Advanced for Engrossment 2030
Apr. 5 57 Correctly Engrossed 2060
Apr. 5 57 ER0320 change 2061
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading 44-0-5 2194
Apr. 7 59 President signed 2197
Apr. 7 59 Presented to Governor (4/7) 2206
Apr. 8 60 Approved by Governor (4/8) 2243

LEGISLATIVE BILL 1218. By Rules Committee and Warner, Labedz

Jan. 21 10 Read first time 442
Jan. 22 11 Referred to Committee on Education 462
Jan. 28 15 Notice of hearing (2/23) 552
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1219. By Rules Committee and Labedz

Jan.	21	10	Read first time	442
Jan.	22	11	Referred to Committee on Government, Military and Veterans Affairs	462
Feb.	9	23	Notice of hearing (2/24)	750
Feb.	25	33	Placed on General File	1012
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE BILL 1220. By Conway

Jan.	21	10	Read first time	443
Jan.	22	11	Referred to Committee on Banking, Commerce and Insurance	462
Jan.	29	16	Notice of hearing (2/8)	562
Feb.	16	26	Placed on General File - Com am #1992	833
Mar.	1	36	Committee amendment #1992 adopted. Advanced for Review	1112
Mar.	7	39	Placed on Select File - AM5380	1195
Mar.	8	40	AM5380 (E & R) adopted. Advanced for Engrossment	1264
Mar.	10	41	Correctly Engrossed	1317
Mar.	21	48	Returned to Select File for Landis-Conway-Remmers amendment. Landis-Conway-Remmers amendment #2664 adopted. Advanced for Re-Engrossment	1562
Mar.	23	50	Correctly Re-Engrossed	1665
Mar.	23	50	ER0286 change	1666
Mar.	28	53	Final Reading w/E 46-0-3	1801
Mar.	28	53	President signed	1804
Mar.	28	53	Presented to Governor (3/28)	1805
Mar.	31	56	Approved by Governor (3/31)	1979

LEGISLATIVE BILL 1221. By L. Johnson, Lynch, Chizek, Wehrbein

Jan.	21	10	Read first time	443
Jan.	22	11	Referred to Committee on Judiciary	462
Feb.	17	27	Notice of hearing (2/24)	857
Feb.	19	29	L. Johnson priority bill	923
Mar.	1	36	Placed on General File	1093
Mar.	23	50	Advanced for Review	1697
Mar.	25	52	Placed on Select File - AM5423	1765
Mar.	31	56	AM5423 (E & R) adopted. Advanced for Engrossment	1989
Apr.	5	57	Correctly Engrossed	1999
Apr.	7	59	Lynch motion to suspend rules prevailed	2151
Apr.	7	59	Final Reading 45-1-3	2195

Apr. 7 59 President signed 2197
Apr. 7 59 Presented to Governor (4/7) 2206
Apr. 8 60 Returned by Governor without approval (4/8) ... 2239
Apr. 8 60 L. Johnson-Chizek-Lynch-Wehrbein motion to override veto failed 27-21-1 2272

LEGISLATIVE BILL 1221A. By L. Johnson, Lynch, Wehrbein

Mar. 7 39 Read first time. Placed on General File 1216
Mar. 23 50 Advanced for Review 1697
Mar. 25 52 Placed on Select File 1766
Mar. 31 56 Advanced for Engrossment 1989
Apr. 5 57 Correctly Engrossed 1999
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading 40-3-6 2196
Apr. 7 59 President signed 2197
Apr. 7 59 Presented to Governor (4/7) 2206
Apr. 8 60 Returned by Governor without approval (4/8) ... 2239

LEGISLATIVE BILL 1222. By V. Johnson

Jan. 21 10 Read first time 443
Jan. 22 11 Referred to Committee on General Affairs 462
Jan. 29 16 Notice of hearing (2/8) 591
Feb. 24 32 Placed on General File - Com am #2160 994
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1223. By Morehead, Johanns, Pirsch

Jan. 21 10 Read first time 444
Jan. 22 11 Referred to Committee on Judiciary 462
Feb. 10 24 Notice of hearing (2/18) 775
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1224. By Conway, Baack, Chambers

Jan. 21 10 Read first time 444
Jan. 22 11 Referred to Committee on Health and Human Services 462
Jan. 26 13 Notice of hearing (2/17) 513
Jan. 28 15 Notice of hearing (2/19) (Reset) 551
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1225. By Lamb, Smith, Langford

Jan. 21 10 Read first time 444
Jan. 22 11 Referred to Committee on Education 462
Jan. 28 15 Notice of hearing (2/9) 551
Mar. 10 41 Attorney General's Opinion #88019 to Withem . 1288
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1226. By Chambers

Jan. 21 10 Read first time 444
Jan. 22 11 Referred to Committee on Government, Military and Veterans Affairs 462
Feb. 9 23 Notice of hearing (2/17) 749
Feb. 19 29 Chambers priority bill 915
Feb. 23 31 Placed on General File - Com am #2125 943
Mar. 21 48 Committee amendment #2125 adopted. Advanced for Review 1575
Mar. 23 50 Placed on Select File - AM5420 1640
Mar. 30 55 Chambers-Landis amendment printed 1912
Mar. 31 56 AM5420 (E & R) adopted. Chambers-Landis pending amendment p. 1912 adopted. Abboud motion to indefinitely postpone lost. Advanced for Engrossment 1987
Apr. 5 57 Correctly Engrossed 1999
Apr. 5 57 ER0310 change 2009
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Abboud motion to return to Select File pending 2196
Apr. 7 59 Abboud pending motion p. 2196 withdrawn. Higgins motion to bracket until 4/9/88 withdrawn. Failed on Final Reading 24-22-3 .. 2197
Apr. 8 60 Johanns motion to reconsider vote on Final Reading prevailed 2257
Apr. 8 60 Final Reading 26-23-0. President signed 2258
Apr. 8 60 Presented to Governor (4/8) 2279
Apr. 14 AJ Returned by Governor without approval (4/13) . 2302

LEGISLATIVE BILL 1227. By Schmit

Jan. 21 10 Read first time 444
Jan. 22 11 Referred to Committee on Health and Human Services 462
Jan. 26 13 Notice of hearing (2/17) 513
Jan. 28 15 Notice of hearing (2/19) (Reset) 551
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1228. By Baack

Jan. 21 10 Read first time 445
Jan. 22 11 Referred to Committee on Agriculture 462
Jan. 28 15 Notice of hearing (2/9) 548
Feb. 1 17 Notice of hearing (2/16) (Reset) 627
Feb. 8 22 Baack motion to withdraw laid over 734
Feb. 8 22 Baack motion to suspend rules and withdraw laid over 735
Feb. 9 23 Baack pending motion p. 735 prevailed. Withdrawn 740
Feb. 9 23 Notice of hearing (2/16) (Cancel) 750

LEGISLATIVE BILL 1229. By Schmit

Jan. 21 10 Read first time 445
Jan. 22 11 Referred to Committee on Natural Resources 462
Feb. 2 18 Notice of hearing (2/10) 632
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1230. By Schmit

Jan. 21 10 Read first time 445
Jan. 22 11 Referred to Committee on Appropriations 462
Feb. 1 17 Notice of hearing (2/8) 616
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1231. By Schmit

Jan. 21 10 Read first time 445
Jan. 22 11 Referred to Committee on Government, Military and Veterans Affairs 462
Feb. 9 23 Notice of hearing (2/24) 750
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE BILL 1232. By Speaker Barrett at request of Governor

Jan. 28 15 Read first time 547
Jan. 29 16 Referred to Committee on General Affairs 560
Jan. 29 16 Notice of hearing (2/8) 565
Feb. 18 28 General Affairs Committee priority bill 876
Feb. 19 29 General Affairs Committee priority bill withdrawn. Morehead priority bill 916

Feb. 25 33 Morehead amendment #2207 to committee amendment printed. Placed on General File - Com am #2171 (printed separate) 1030
Feb. 26 34 V. Johnson amendment #2220 to committee amendment printed 1044
Mar. 14 43 Landis amendment #2509 to committee amendment printed 1356
Mar. 18 47 Landis amendment to committee amendment printed 1532
Mar. 21 48 Hall amendment #2661 printed separate 1570
Mar. 22 49 V. Johnson amendment #2679 to committee amendment adopted 1617
Mar. 22 49 Hall amendment #2683 to amendment #2679 lost 1624
Mar. 22 49 Hall amendment #2680, Landis amendment #2684, and Morehead amendment #2692 to committee amendment printed 1628
Mar. 22 49 Hall amendment #2687 and Hall-V. Johnson amendment #2628 to committee amendment printed 1631
Mar. 22 49 Landis amendment #2688 to committee amendment printed 1632
Mar. 23 50 Morehead pending amendment #2692 p. 1628 to committee amendment adopted. Withem request for division of question ruled out of order 1655
Mar. 23 50 Hall pending amendment #2687 p. 1631 to committee amendment adopted 1666
Mar. 23 50 Labedz amendment #2748 to amendment #2692 printed 1677
Mar. 23 50 V. Johnson-Hall pending amendment #2628 p. 1631 to committee amendment adopted. Landis pending amendment #2688 p. 1632 lost 1678
Mar. 24 51 Hall request to substitute amendment prevailed. Hall substitute amendment #2783 sustained division of question. Hall amendments (1) and (2) adopted. Morehead pending amendment #2207 p. 1030, V. Johnson pending amendment #2220 p. 1044, Landis pending amendment #2509 p. 1356, Landis pending amendment p. 1532, and Hall pending amendment #2661 p. 1570 withdrawn. V. Johnson motion to suspend rules

prevailed. Committee amendment #2171 adopted as amended. Hall pending amendment #2680 p. 1628 and Landis pending amendment #2684 p. 1628 withdrawn. Labedz request to substitute amendment prevailed. Labedz pending amendment #2748 p. 1677 withdrawn. Labedz substitute amendment #2786 pending 1723
Mar. 24 51 Labedz pending substitute amendment #2786 p. 1727 lost. Advanced for Review 1735
Mar. 28 53 Placed on Select File - AM5425 ..... 1797 (printed separate)
Mar. 28 53 Morehead amendments #2801 and #2816 to AM5425 printed 1831
Mar. 28 53 Johanns amendment #2794 to AM5425 printed . 1835
Mar. 30 55 Morehead amendment #2846 to AM5425 printed 1889
Mar. 30 55 Labedz-Hall amendment #2884 to AM5425 printed 1912
Mar. 30 55 Moore amendment #2899 to AM5425 printed 1924
Mar. 31 56 Hall amendment #2893 to AM5425 printed 1983
Mar. 31 56 Labedz amendment #2883 and Hall amendment to AM5425 printed 1990
Apr. 5 57 Attorney General's Opinion #88029 to Hall 2026
Apr. 5 57 AM5425 (E & R) adopted. Schmit amendment #2785 pending 2051
Apr. 5 57 Hall amendment to amendment #2785 p. 2051 adopted 2058
Apr. 5 57 Schmit pending amendment #2785 p. 2051 lost as amended 2059
Apr. 5 57 Rogers-Miller-Schmit-Remmers-Peterson-Marsh amendment #2791 (on file) lost. Morehead request to substitute amendment prevailed. Morehead pending amendment #2801 p. 1831 withdrawn. Morehead substitute amendment #2892 pending. Hall amendment to amendment #2892 withdrawn 2062
Apr. 5 57 Morehead pending substitute amendment #2892 p. 2063 adopted 2068
Apr. 6 58 Morehead pending amendment #2816 p. 1831 adopted. Conway amendment #2957, Johanns pending amendment #2794 p. 1835, and Labedz amendment lost. Morehead pending

amendment #2846 p. 1889 adopted. Hall request to substitute Hall-Labedz pending amendment prevailed. Hall-Labedz pending amendment #2884 p. 1912 withdrawn. Hall-Labedz substitute amendment #2977 sustained division of question. Hall-Labedz amendment (1) adopted. Hall-Labedz amendment (2) adopted as amended by Goodrich amendment. Higgins motion to bracket until 4/9/88 withdrawn. V. Johnson motion to reconsider Hall-Labedz amendment prevailed. Hall-Labedz reconsidered amendment (2) lost. Moore amendment #2958 and Morehead amendment #2947 adopted. Moore pending amendment #2899 p. 1924, Hall pending amendment #2893 p. 1983, Hall pending amendment p. 1990, and Labedz pending amendment #2883 p. 1990 withdrawn. Morehead motion to suspend rules and vote without debate prevailed. Advanced for Engrossment 2072

Apr. 6 58 Correctly Engrossed 2143
Apr. 6 58 ER0321 change 2144
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading 46-0-3 2252
Apr. 8 60 President signed 2254
Apr. 8 60 Presented to Governor (4/8) 2257
Apr. 14 AJ Approved by Governor (4/12) 2286

LEGISLATIVE BILL 1233. By Speaker Barrett by request of Governor and Remmers, Conway, Schmit

Feb. 1 17 Read first time 598
Feb. 2 18 Referred to Committee on Banking, Commerce and Insurance 630
Feb. 11 25 Notice of hearing (2/22) 802
Feb. 22 30 Speaker Barrett priority bill 931
Feb. 24 32 Placed on General File 969
Mar. 25 52 Advanced for Review 1767
Mar. 25 52 Expedited by Remmers 1788
Mar. 28 53 Placed on Select File 1796
Mar. 31 56 Advanced for Engrossment 1989
Apr. 5 57 Correctly Engrossed 1999

Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Final Reading w/E 43-0-6 2198
Apr. 7 59 Speaker signed 2207
Apr. 8 60 Presented to Governor (4/7) 2209
Apr. 8 60 Approved by Governor (4/8) 2243

LEGISLATIVE BILL 1234. By Speaker Barrett at request of Governor

Feb. 11 25 Read first time 820
Feb. 16 26 Referred to Committee on Revenue 829
Feb. 16 26 Notice of hearing (2/24) 832
Feb. 19 29 Peterson priority bill 915
Mar. 1 36 Placed on General File - Com am #2286 1111
(printed separate)
Mar. 7 39 McFarland amendment #2384 printed 1244
Mar. 24 51 Committee amendment #2286 adopted.
McFarland pending amendment #2384
p. 1244 lost 1721
Mar. 25 52 Advanced for Review 1783
Mar. 29 54 Placed on Select File - AM5430 1844
Mar. 30 55 Hall amendment #2888 printed 1924
Apr. 6 58 AM5430 (E & R) adopted. Higgins
amendment lost. Hall request to
substitute pending amendment prevailed.
Hall pending amendment #2888 p. 1924
withdrawn. Hall-Labedz motion to suspend
rules to permit consideration prevailed.
Hall-McFarland-Wesely-Labedz substitute
amendment #2959 adopted. Hall amendment
adopted. Advanced for Engrossment 2088
Apr. 6 58 Correctly Engrossed 2143
Apr. 6 58 ER0327 change 2145
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 Final Reading 48-0-1 2253
Apr. 8 60 President signed 2254
Apr. 8 60 Presented to Governor (4/8) 2257
Apr. 14 AJ Approved by Governor (4/12) 2286

LEGISLATIVE BILL 1235. By Business and Labor Committee

Feb. 17 27 Hall motion to introduce bill
prevailed. Read first time 845
Feb. 17 27 Referred to Committee on Business and Labor 857
Feb. 17 27 Notice of hearing (2/29) 859

Mar.	2	37	Placed on General File - Com am #2280	1122
Mar.	21	48	Committee amendment #2280 adopted. Advanced for Review	1545
Mar.	22	49	Placed on Select File - AM5418	1612
Mar.	23	50	AM5418 (E & R) adopted. Advanced for Engrossment	1649
Mar.	23	50	Correctly Engrossed. ER0288 change	1697
Mar.	28	53	Final Reading w/E 49-0-0	1801
Mar.	28	53	President signed	1804
Mar.	28	53	Presented to Governor (3/28)	1805
Mar.	31	56	Approved by Governor (3/31)	1979

LEGISLATIVE BILL 1236. By Business and Labor Committee

Feb.	17	27	Hall motion to introduce bill prevailed	845
Feb.	17	27	Read first time	846
Feb.	17	27	Referred to Committee on Business and Labor	857
Feb.	17	27	Notice of hearing (2/29)	859
Mar.	11	42	Placed on General File - Com am #2532	1341
Mar.	22	49	Committee amendment #2532 lost. Wesely-Hall motion to indefinitely postpone prevailed	1583

LEGISLATIVE BILL 1237. By Appropriations Committee

Mar.	3	38	Warner motion to introduce bill prevailed. Read first time	1177
Mar.	3	38	Warner motion to place on General File prevailed	1178
Mar.	22	49	Advanced for Review	1583
Mar.	22	49	Placed on Select File - AM5419	1612
Mar.	23	50	AM5419 (E & R) adopted. Advanced for Engrossment	1649
Mar.	23	50	Correctly Engrossed	1697
Mar.	28	53	Final Reading w/E 47-0-2	1802
Mar.	28	53	President signed	1804
Mar.	28	53	Presented to Governor (3/28)	1805
Mar.	31	56	Approved by Governor (3/31)	1979

LEGISLATIVE BILL 1238. By Speaker Barrett at request of Governor

Mar.	7	39	Read first time	1217
Mar.	7	39	McFarland amendment #2420 printed	1241
Mar.	7	39	Referred to Committee on Revenue.	

V. Johnson motion to suspend rules and allow hearing prevailed 1244
Mar. 7 39 Notice of hearing (3/11) 1246
Mar. 18 47 Placed on General File - Com am #2613 1525
Apr. 8 60 Indefinitely postponed 2283

CHRONOLOGY OF CONSTITUTIONAL AMENDMENT RESOLUTIONS

NINETIETH LEGISLATURE
SECOND SESSION
1988

LEGISLATIVE RESOLUTION 5CA. By Abboud

Jan.	6	1	Title	50
Jan.	28	15	Indefinitely postponed	547

LEGISLATIVE RESOLUTION 7CA. By R. Johnson

Jan.	6	1	Title	51
Jan.	12	5	Barrett name added	287
Jan.	25	12	R. Johnson amendment #1723 printed	486
Feb.	22	30	Speaker Barrett priority resolution	931
Feb.	26	34	Committee amendment #0661 p. 1220, First Session, adopted. R. Johnson pending amendment #1723 p. 486 and V. Johnson-Chambers amendment adopted. Advanced for Review	1043
Feb.	29	35	Placed on Select File - AM5348	1077
Mar.	7	39	AM5348 (E & R) adopted. Barrett-Dierks amendment #2400 adopted. Chambers amendment lost. Advanced for Engrossment	1212
Mar.	7	39	Expedited by Barrett	1218
Mar.	7	39	Correctly Engrossed	1234
Mar.	10	41	Lynch motion to suspend rules prevailed	1296
Mar.	10	41	Final Reading 43-1-5	1301
Mar.	10	41	Baack, Bernard-Stevens, Beyer, Campbell, Conway, Coordsen, Dierks, Elmer, Hall, Hannibal, Hartnett, Hefner, Higgins, Johanns, Korshoj, Labedz, Langford, Lynch, Marsh, McFarland, Moore, Nelson, Peterson, Pirsch, Remmers, Rogers, Schellpeper, Scofield, Smith, Warner, Wehrbein, Weihing, Wesely and Withem	

names added 1302
Mar. 10 41 Speaker signed 1303
Mar. 10 41 Presented to Secretary of State (3/10) 1305

LEGISLATIVE RESOLUTION 10CA. By Baack, Conway

Jan. 6 1 Title 52
Feb. 8 22 Baack-Conway motion to withdraw laid over. Baack motion to suspend rules and withdraw laid over 735
Feb. 9 23 Baack pending motion p. 735 prevailed. Withdrawn 740

LEGISLATIVE RESOLUTION 15CA. By V. Johnson

Jan. 6 1 Title 55
Jan. 25 12 Committee amendment #0721 p. 1276, First Session, adopted. Advanced for Review 498
Jan. 27 14 Placed on Select File - AM5302 519
Feb. 4 20 AM5302 (E & R) adopted. V. Johnson amendment adopted. Advanced for Engrossment 672
Feb. 9 23 Correctly Engrossed 738
Feb. 9 23 ER0237 change 739
Feb. 25 33 Higgins motion to return to Select File withdrawn 1002
Feb. 25 33 Final Reading 41-2-6 1003
Feb. 25 33 Speaker signed 1012
Feb. 25 33 Presented to Secretary of State (2/25) 1033

LEGISLATIVE RESOLUTION 20CA. By Hartnett

Jan. 6 1 Title 57
Jan. 28 15 Indefinitely postponed 547

LEGISLATIVE RESOLUTION 21CA. By Urban Affairs Committee

Jan. 6 1 Title 58
Apr. 6 58 Wesely motion to indefinitely postpone lost. V. Johnson amendment withdrawn. V. Johnson amendment adopted. Advanced for Engrossment 2110
Apr. 6 58 Correctly Engrossed 2143
Apr. 8 60 Lynch motion to suspend rules prevailed 2209
Apr. 8 60 V. Johnson motion to return to Select

File prevailed 2254
Apr. 8 60 V. Johnson motion to indefinitely postpone prevailed 2255

LEGISLATIVE RESOLUTION 22CA. By Hefner

Jan. 6 1 Title 59
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE RESOLUTION 246CA. By Hefner

Jan. 6 1 Read first time 119
Jan. 6 1 Referred to Reference Committee 120
Jan. 7 2 Referred to Committee on Judiciary 198
Jan. 26 13 Notice of hearing (2/5) 508
Feb. 24 32 Indefinitely postponed 982

LEGISLATIVE RESOLUTION 247CA. By Withem

Jan. 6 1 Read first time 150
Jan. 6 1 Referred to Reference Committee 152
Jan. 8 3 Referred to Committee on Education 212
Jan. 28 15 Notice of hearing (2/23) 552
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE RESOLUTION 248CA. By Hall

Jan. 6 1 Read first time 152
Jan. 6 1 Referred to Reference Committee 154
Jan. 8 3 Referred to Committee on Government, Military and Veterans Affairs 212
Jan. 21 10 Notice of hearing (1/28) 441
Feb. 2 18 Placed on General File 640
Feb. 18 28 Hall priority resolution 875
Feb. 29 35 Advanced for Review 1081
Mar. 1 36 Placed on Select File - AM5352 1092
Mar. 3 38 Chambers-Hall amendment #2355 printed 1157
Mar. 7 39 Chambers name added 1208
Mar. 14 43 AM5352 (E & R) adopted. Chambers-Hall pending amendment #2355 p. 1157 adopted. Advanced for Engrossment 1380
Mar. 16 45 Correctly Engrossed. ER0283 change 1463
Mar. 25 52 Final Reading 43-3-3 1743
Mar. 25 52 President signed 1750

Mar. 25 52 Abboud explanation of vote.
Presented to Secretary of State (3/25) 1763

LEGISLATIVE RESOLUTION 249CA. By R. Johnson, Lamb, Moore

Jan. 6 1 Read first time 154
Jan. 6 1 Referred to Reference Committee 156
Jan. 8 3 Referred to Committee on Revenue 212
Jan. 27 14 Notice of hearing (2/3) 532
Feb. 19 29 Wehrbein priority resolution by motion to suspend rules 923
Feb. 23 31 Placed on General File 939
Mar. 11 42 Wehrbein name added 1333
Mar. 11 42 Hannibal motion to indefinitely postpone laid over 1340
Mar. 21 48 Hannibal pending motion p. 1340 withdrawn. V. Johnson amendment withdrawn 1566
Mar. 21 48 Advanced for Review 1574
Mar. 23 50 Placed on Select File 1640
Mar. 25 52 Attorney General's Opinion #88027 to R. Johnson 1759
Mar. 29 54 R. Johnson-Wehrbein amendment #2863 printed 1879
Mar. 31 56 R. Johnson-Wehrbein pending amendment #2863 p. 1879 adopted.
Advanced for Engrossment 1987
Apr. 5 57 Correctly Engrossed 1999
Apr. 7 59 Lynch motion to suspend rules prevailed 2151
Apr. 7 59 Warner motion to return to Select File lost 2199
Apr. 7 59 Failed on Final Reading 24-22-3 2200

LEGISLATIVE RESOLUTION 250CA. By Peterson

Jan. 6 1 Read first time.
Referred to Reference Committee 156
Jan. 8 3 Referred to Committee on Judiciary 212
Jan. 26 13 Notice of hearing (2/5) 508
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE RESOLUTION 251CA. By Peterson

Jan. 6 1 Read first time 156
Jan. 6 1 Referred to Reference Committee 157

Jan. 8 3 Referred to Committee on Judiciary 212
Jan. 26 13 Notice of hearing (2/5) 508
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE RESOLUTION 252CA. By Schellpeper, Haberman, Hall, Hartnett

Jan. 6 1 Read first time 157
Jan. 6 1 Referred to Reference Committee 159
Jan. 8 3 Referred to Committee on General Affairs 212
Feb. 4 20 Notice of hearing (2/22) 673
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE RESOLUTION 253CA. By Pirsch, McFarland, Chambers, Ashford

Jan. 6 1 Read first time 159
Jan. 6 1 Referred to Reference Committee 160
Jan. 8 3 Referred to Committee on Government, Military and Veterans Affairs 212
Feb. 9 23 Notice of hearing (2/17) 749
Feb. 23 31 Placed on General File 937
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE RESOLUTION 257CA. By Peterson, Hefner

Jan. 7 2 Read first time 188
Jan. 7 2 Referred to Reference Committee 190
Jan. 11 4 Referred to Committee on Government, Military and Veterans Affairs 254
Feb. 9 23 Notice of hearing (2/26) 750
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE RESOLUTION 258CA. By Barrett, Ashford, Baack, Bernard-Stevens, Beyer, Campbell, Chizek, Conway, Coordsen, Dierks, Elmer, Haberman, Hall, Hannibal, Hartnett, Hefner, Higgins, Johanns, R. Johnson, Korshoj, Labedz, Lamb, Langford, Lynch, Marsh, Moore, Morehead, Nelson, Peterson, Rogers, Schellpeper, Scofield, Smith, Warner, Wehrbein, Weihing, Wesely, Withem

Jan. 7 2 Read first time 191
Jan. 7 2 Referred to Reference Committee 194
Jan. 11 4 Referred to Committee on Government, Military and Veterans Affairs 254

Jan. 13 6 Notice of hearing (1/20) 306
Jan. 27 14 Placed on General File - Com am #1749 531
Feb. 19 29 Barrett priority resolution 915
Feb. 26 34 Committee amendment #1749 adopted. Advanced for Review 1047
Feb. 29 35 Placed on Select File - AM5351 1077
Mar. 1 36 Barrett amendment #2264 printed 1089
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE RESOLUTION 260CA. By Chambers

Jan. 13 6 Read first time 317
Jan. 13 6 Referred to Reference Committee 318
Jan. 14 7 Referred to Committee on Judiciary 336
Jan. 26 13 Notice of hearing (2/5) 508
Feb. 24 32 Placed on General File - Com am #2086 980
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE RESOLUTION 265CA. By Baack, Scofield, Morehead, Remmers, Moore, Bernard-Stevens

Jan. 20 9 Read first time 405
Jan. 20 9 Referred to Reference Committee 406
Jan. 21 10 Referred to Committee on Education 418
Jan. 28 15 Notice of hearing (2/8) 551
Feb. 17 27 Placed on General File 860
Feb. 19 29 Baack priority resolution 907
Mar. 3 38 Withem amendment #2199 printed 1144
Mar. 11 42 Wesely motion to indefinitely postpone laid over 1339
Mar. 17 46 Withem name added 1472
Mar. 17 46 Wesely pending motion p. 1339 withdrawn. Withem pending amendment #2199 p. 1144 withdrawn. Bernard-Stevens/Withem amendment #2624 adopted ... 1492
Mar. 17 46 Wesely motion to indefinitely postpone lost. Ashford amendment adopted 1494
Mar. 17 46 Advanced for Review 1501
Mar. 18 47 Placed on Select File - AM5410 1526
Mar. 29 54 Wesely amendment #2639 printed 1841
Mar. 30 55 Ashford amendment #2886 printed 1908
Mar. 31 56 AM5410 (E & R) adopted. Wesely pending amendment #2639 p. 1841 and Ashford pending amendment #2886 p. 1908 withdrawn. Passed over 1982
Apr. 8 60 Indefinitely postponed 2283

LEGISLATIVE RESOLUTION 268CA. By Withem

Jan.	21	10	Read first time	431
Jan.	21	10	Referred to Reference Committee	432
Jan.	22	11	Referred to Committee on Education	462
Jan.	28	15	Notice of hearing (2/23)	552
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE RESOLUTION 269CA. By Withem

Jan.	21	10	Read first time	432
Jan.	21	10	Referred to Reference Committee	433
Jan.	22	11	Referred to Committee on Education	462
Jan.	28	15	Notice of hearing (2/22)	552
Apr.	8	60	Indefinitely postponed	2283

LEGISLATIVE RESOLUTION 270CA. By Baack, Weihing

Jan.	21	10	Read first time. Referred to Reference Committee	434
Jan.	22	11	Referred to Committee on Agriculture	462
Jan.	28	15	Notice of hearing (2/9)	548
Feb.	1	17	Notice of hearing (2/16) (Reset)	627
Feb.	8	22	Baack-Weihing motion to withdraw laid over	734
Feb.	8	22	Baack motion to suspend rules and withdraw laid over	735
Feb.	9	23	Baack pending motion p. 735 prevailed. Withdrawn	740
Feb.	9	23	Notice of hearing (2/16) (Cancel)	751

LEGISLATIVE RESOLUTION 271CA. By Baack, Weihing

Jan.	21	10	Read first time	434
Jan.	21	10	Referred to Reference Committee	438
Jan.	22	11	Referred to Committee on Agriculture	462
Jan.	28	15	Notice of hearing (2/9)	548
Feb.	1	17	Notice of hearing (2/16) (Reset)	627
Feb.	8	22	Baack-Weihing motion to withdraw laid over	734
Feb.	8	22	Baack motion to suspend rules and withdraw laid over	735
Feb.	9	23	Baack pending motion p. 735 prevailed. Withdrawn	740
Feb.	9	23	Notice of hearing (2/16) (Cancel)	751

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

CHRIS ABBOUD

LB	
90*	Authorize the taking of videotape depositions from certain children.
124*	Adopt the Grasslands Protection Act.
144	Adopt the Economy and Productivity in State Government Act.
162*	Increase the number of juvenile court judges.
170*	Prohibit the fighting, baiting, or pitting of an animal against another.
352*	Change provisions relating to administrative appeal procedures.
420*	Adopt the Tax Delinquency Amnesty Act.
475*	Adopt the Nebraska Short Form Act.
537*	Define controlled substance analogue.
602*	Change County Purchasing Act provisions.
705*	Require study relating to the effects of public power industry restructuring.
838*	Create the Antique Farm Equipment Commission and museum.
881*	Establish a county work-relief program.
913*	Change provisions relating to credit card fees and loan service costs.
914	Adopt the Agricultural Products Development Act.
915	Adopt the Small Business Incubators Incentives Act.
928	Require a premarital test for acquired immunity deficiency syndrome.
967	Require persons on Aid to Dependent Children to participate in job training and search programs.
972*	Provide a sales tax exemption for farm machinery, equipment, and parts.
980	Eliminate provisions relating to warehouse regulation by the Public Service Commission.
980A	Appropriation Bill.
988*	Adopt the Proceeds of Stories of Felons Act.
1024	Change the factors relating to state income tax brackets.

1029* Change provisions for cigarette tax proceed distribution to state colleges.
1029A* Appropriation Bill.
1030* Change provisions relating to garnishment proceedings.
1079* Adopt the Prompt Payment Act.
1084 Adopt the Nebraska Privatization Act.
1110* Adopt the Shareholders' Protection Act.
1203* Establish procedures for fire protection districts to incur indebtedness.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

5CA Proposed constitutional amendment to authorize counties to exempt property tax following voter approval.

BRAD ASHFORD

LB

121* Change provisions relating to theft.
123* Provide immunity from civil damages for nonprofit sports programs.
162* Increase the number of juvenile court judges.
352* Change provisions relating to administrative appeal procedures.
363* Change provisions relating to motions for new trials on damage issues.
420* Adopt the Tax Delinquency Amnesty Act.
475* Adopt the Nebraska Short Form Act.
518A* Appropriation Bill.
519* Change membership provisions relating to police bargaining units.
582* Provide requirements relating to chemical tests on employees.
606 Change provisions relating to motor vehicle theft.
855 Exempt insurance annuity contract premiums from taxation.
860* Adopt the Nebraska College Savings Plan Act.
866* Adjust retirement benefits for state patrol officers.
875 Provide leaves of absence for private employees serving in public office.
876 Permit the aggregating of certain bad checks when classifying offense.
877 Change provisions relating to building and loan association branch offices.
878 Change certain sheriffs' fees.

896* Require plans and evaluations of handicapped children in private schools.
913* Change provisions relating to credit card fees and loan service costs.
920* Limit corporate director liability.
921* Limit the liability of accountants.
942* Authorize collective bargaining units for Class V school employees.
951 Provide for arbitration upon recording of a construction lien.
983* Change provisions relating to payment of judgments by political subdivisions.
988* Adopt the Proceeds of Stories of Felons Act.
992* Eliminate a time limit for technical community colleges to levy taxes.
999* Provide an income tax credit for businesses which provide day care.
1026* Provide for the licensing of massage therapists and schools.
1069* Change provisions relating to diseases and Workers' Compensation.
1070* Permit patient information to be provided to rescue and funeral personnel.
1123* Provide education and job training for Aid to Dependent Children recipients.
1177* Change provisions relating to liquor sales on Sundays and in-room bar devices.
1178* Change provisions relating to joint and several liability and comparative negligence.
1185* Adopt the Nursing Student Assistance Act.
1195* Increase the penalty for failure to surrender a revoked drivers license.
1199* Require labels on video movies relating to distribution to minors.
1211* Change a provision relating to powers of the Omaha city council.

LR

253CA* Proposed constitutional amendment to change voting eligibility.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

DENNIS G. BAACK

LB	
90*	Authorize the taking of videotape depositions from certain children.
124*	Adopt the Grasslands Protection Act.
165	Authorize appointment of surrogate parents for handicapped children.
420*	Adopt the Tax Delinquency Amnesty Act.
435*	Allow school district refinancing of lease agreements without elections.
547*	Restrict corporate ownership of farms and ranches.
644*	Change nonresident tuition calculation provisions.
751*	Provide for the sale of oxygenated fuel.
860*	Adopt the Nebraska College Savings Plan Act.
865*	Provide for licensure of rescue and basic life support personnel.
896*	Require plans and evaluations of handicapped children in private schools.
897	Require licenses for certain oil, gas, or injection well operations.
963*	Change the excise tax on wheat.
970*	Change provisions relating to the Class I school district tax levy and audits.
972*	Provide a sales tax exemption for farm machinery, equipment, and parts.
1025*	Change provisions relating to security for the deposit of public funds.
1053*	Provide a tax on marijuana and controlled substances.
1073*	Authorize a tax levy for school environmental hazard abatement.
1086*	Redefine in-state sales of tangible personal property.
1091*	Create the Railroad Personal Property Tax Refund Fund.
1101*	Create and provide funding for the Nebraska Adult Basic Education Program.
1122*	Limit tax incentives relating to the Employment and Investment Growth Act.
1165*	Provide return of notice to county clerks for railroad property valuations.
1194*	Create the Nebraska Transportation Coordination Commission.
1217*	Change provisions of the Ethanol Authority and Development Act.
1224*	Change provisions relating to limited licenses to practice medicine.

1228 Adopt the Corporate Farm Reporting Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.

10CA* Proposed constitutional amendment modifying Initiative 300 regarding financial institutions.

258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

265CA* Proposed constitutional amendment to eliminate the State Board of Education.

270CA* Proposed constitutional amendment to repeal restrictions on corporate farming.

271CA* Proposed constitutional amendment to change restrictions imposed on corporate farming.

WILLIAM E. BARRETT

LB

90* Authorize the taking of videotape depositions from certain children.

170* Prohibit the fighting, baiting, or pitting of an animal against another.

252 Change provisions relating to claims against the state.

674* Declare surrogate parenthood contracts void.

762** Make biennium appropriations for state government expenses.

764** Provide for state employee salary increase.

766** Adopt the Wastewater Treatment Facilities Construction Assistance Act.

766A Appropriation Bill.

770** Make appropriations for capital construction.

847* Adopt the Protocol Act.

847A* Appropriation Bill.

864* Change procedures for processing certain claims against the state.

1040** Change provisions relating to public employee salaries.

1041** Change provisions relating to deficiency, capital construction, and 1987 appropriation bills.

1042*** Provide for the continuation of the School of Technical Agriculture.

1043** Create a Department of Natural Resources.

1091* Create the Railroad Personal Property Tax Refund Fund.

1126 Change provisions relating to marriage license fees and requirements.

1164 Appropriate funds to develop new uses for grain and livestock products.
1165* Provide return of notice to county clerks for railroad property valuations.
1217* Change provisions of the Ethanol Authority and Development Act.
1232** Provide restrictions for pickle card and bingo activities.
1233*** Provide powers to the Governor relating to the issuance of certain bonds.
1234** Provide limitations on tax incentives relating to the Employment and Investment Growth Act.
1238** Change provisions relating tax deductions, cigarettes, and pickle cards sales.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

DAVID BERNARD-STEVENS

LB

191* Prohibit certain settlements or releases of liability by injured persons.
841* Restrict the public school opening date until after Labor Day.
882* Change provisions for proposed low-level radioactive waste sites.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
992* Eliminate a time limit for technical community colleges to levy taxes.
1042*** Provide for the continuation of the School of Technical Agriculture.
1091* Create the Railroad Personal Property Tax Refund Fund.
1101* Create and provide funding for the Nebraska Adult Basic Education Program.
1133 Authorize county boards to approve payments prior to receipt of property at auction.
1165* Provide return of notice to county clerks for railroad property valuations.
1179 Provide towing requirements for disabled vehicles and trailers.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.

258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

265CA* Proposed constitutional amendment to eliminate the State Board of Education.

EMIL E. BEYER, JR.

LB

503 Adopt the Vehicle Inspection Act.

833* Change filing provisions for motor vehicle tax refunds or credits.

834 Provide for mid-year transfer of a homestead exemption in all counties.

835 Change a provision relating to Class III school district replatting.

880* Provide for the licensing of naturophathic physicians.

884 Adopt federal regulations for motor carrier safety and hazardous materials.

885 Provide penalties for drivers of vehicles with excess loads.

935* Change provisions relating to insurance payments for treatment.

961* Require political subdivisions to obtain insurance for civil defense.

972* Provide a sales tax exemption for farm machinery, equipment, and parts.

985 Adopt the Private Investigative Agency and Investigator Act.

1203* Establish procedures for fire protection districts to incur indebtedness.

1205* Change provisions relating to sales of state surplus property.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.

258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

HELEN H. CAMPBELL

LB

419* Authorize spousal asset reservation for medical assistance eligibility.

602* Change County Purchasing Act provisions.
632* Create the Highway Improvement Bond Fund.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
1030* Change provisions relating to garnishment proceedings.
1097* Change provisions relating to eyesight requirements for drivers licenses.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

ERNIE CHAMBERS

LB

170* Prohibit the fighting, baiting, or pitting of an animal against another.
229* Establish a high-risk pregnancy support program.
316* Change provisions regarding student discipline for sexual assault.
518* Increase Aid to Dependent Children.
612* Adopt the Unmarked Human Burial and Skeletal Remains Protection Act.
670 Prohibit probationers and inmates from working as undercover agents.
672 Change provisions relating to parole hearings.
673 Require tape recordings for penal and correctional disciplinary hearings.
673A Appropriation Bill.
674* Declare surrogate parenthood contracts void.
675 Eliminate the death penalty; limit parole and discharge.
676 Require coroner's examination and grand jury for certain police-related deaths.
750* Change death penalty provisions for mentally incompetent persons.
757 Adopt the Sports Wagering Act.
757A Appropriation Bill.
821* Authorize courts to close offices on Martin Luther King, Jr.'s birthday.
954 Prohibit the use of communications obtained in violation of the law.
955 Prohibit corporal punishment in public schools.
1012* Establish a statewide AIDS program and change provisions relating to contagious diseases.

1054 Require crediting of time in custody towards prison sentences.
1085 Adopt the Sports Pool Operators Act.
1147 Require permits for the sale or purchase of handguns.
1148 Change provisions relating to state office space.
1149 Provide a criminal penalty if a newspaper publishes betting odds.
1150 Eliminate the Free Flow of Information Act and change search warrant provisions.
1172 Change provisions relating to Parole Board salaries.
1173 Change a factor to be considered when granting parole.
1214* Eliminate the Nebraska Pickle Card Lottery Act.
1224* Change provisions relating to limited licenses to practice medicine.
1226 Provide that UNL football players be treated as university employees.

LR

248CA* Proposed constitutional amendment to change petition and voting eligibility requirements.
253CA* Proposed constitutional amendment to change voting eligibility.
260CA Proposed constitutional amendment to provide for the vacancy of constitutional offices.

JERRY CHIZEK

LB

271* Change standards for criminal detention facilities.
273* Change provisions relating to controlled substances and the physician-patient privilege.
283* Change provisions relating to the School Foundation and Equalization Act.
362* Change law enforcement training center admission requirements.
419* Authorize spousal asset reservation for medical assistance eligibility.
519* Change membership provisions relating to police bargaining units.
666 Change provisions relating to law enforcement certificate revocation.
860* Adopt the Nebraska College Savings Plan Act.
866* Adjust retirement benefits for state patrol officers.
867 Change licensing provisions for polygraph examiners.

868 Provide for an additional judge on the Workers' Compensation Court.
868A Appropriation Bill.
936 Change hearing and fee provisions of the Administrative Procedure Act.
942* Authorize collective bargaining units for Class V school employees.
974* Change fees charged by sheriffs and other process servers.
982 Provide criminal penalties for certain uses of bank and credit cards.
1060* Change provisions relating to asbestos.
1060A Appropriation Bill.
1069* Change provisions relating to diseases and Workers' Compensation.
1070* Permit patient information to be provided to rescue and funeral personnel.
1071* Change provisions relating to assault to include transmission of AIDS.
1107 Prohibit employers from requiring the use of mail order pharmacies.
1108 Change provisions relating to child support.
1129 Change provisions relating to the liability of corporate directors.
1130 Include political subdivisions in the Nebraska Wage Payment and Collection Act.
1131 Redefine the term Nebraska-bred horse.
1195* Increase the penalty for failure to surrender a revoked drivers license.
1198* Require supervision of apprentice electricians.
1199* Require labels on video movies relating to distribution to minors.
1203* Establish procedures for fire protection districts to incur indebtedness.
1211* Change a provision relating to powers of the Omaha city council.
1221* Provide for state payments of costs for determining mental competency.

LR

258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

GERALD CONWAY

LB	
90*	Authorize the taking of videotape depositions from certain children.
213	Change provisions for stop orders for securities.
263*	Restrict zoning changes relating to the 3 mile limit of cities.
271*	Change standards for criminal detention facilities.
301	Authorize agreements for information exchanges in certain adoptions.
301A	Appropriation Bill.
363*	Change provisions relating to motions for new trials on damage issues.
370	Change provisions relating to payments made to the county courts.
371	Adopt the Work Study Act.
372	Change provisions relating to access to certain adoption records.
372A	Appropriation Bill.
420*	Adopt the Tax Delinquency Amnesty Act.
422*	Change zoning jurisdiction of cities, villages, and counties.
537*	Define controlled substance analogue.
547*	Restrict corporate ownership of farms and ranches.
555	Eliminate enforcement duties of Accountability and Disclosure Commission.
700*	Change provisions of the Nebraska Property and Liability Insurance Guaranty Association Act.
860*	Adopt the Nebraska College Savings Plan Act.
882*	Change provisions for proposed low-level radioactive waste sites.
883*	Establish a Department of Justice agriculture division.
912*	Redefine not-for-profit organization.
913*	Change provisions relating to credit card fees and loan service costs.
920*	Limit corporate director liability.
921*	Limit the liability of accountants.
922*	Transfer veterans' homes administration to Department of Veterans' Affairs.
956	Limit nonprofit association, volunteer, and political subdivision liability.
972*	Provide a sales tax exemption for farm machinery, equipment, and parts.

977* Authorize additional uses for a tax levy relating to fairgrounds.
983* Change provisions relating to payment of judgments by political subdivisions.
1002* Change provisions relating to operating a motorboat under the influence.
1030* Change provisions relating to garnishment proceedings.
1048 Prohibit certain access to electronic communications services.
1051* Increase a motor vehicle financial responsibility deposit requirement.
1053* Provide a tax on marijuana and controlled substances.
1064 Change provisions relating wage withholding for income tax purposes.
1083* Change provisions of the Nebraska Investment Finance Authority Act.
1092* Change provisions of the Low-Level Radioactive Waste Disposal Act.
1110* Adopt the Shareholders' Protection Act.
1178* Change provisions relating to joint and several liability and comparative negligence.
1217* Change provisions of the Ethanol Authority and Development Act.
1220 Change a provision for authorized investments by insurance companies.
1224* Change provisions relating to limited licenses to practice medicine.
1233*** Provide powers to the Governor relating to the issuance of certain bonds.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
10CA* Proposed constitutional amendment modifying Initiative 300 regarding financial institutions.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

GEORGE COORDSEN

LB

632* Create the Highway Improvement Bond Fund.
828* Authorize certain persons to sell obsolete surplus personal county property.
838* Create the Antique Farm Equipment Commission and museum.

865* Provide for licensure of rescue and basic life support personnel.
903* Change provisions for the construction of water impoundment structures.
922* Transfer veterans' homes administration to Department of Veterans' Affairs.
952* Exempt farm machinery and equipment from local sales tax.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
983* Change provisions relating to payment of judgments by political subdivisions.
988* Adopt the Proceeds of Stories of Felons Act.
1038 Authorize amateur radio station license plates for certain mobile homes.
1065* Require licensure and provide regulations for all-terrain vehicles.
1088* Adopt the Animal Protection Act.
1091* Create the Railroad Personal Property Tax Refund Fund.
1092* Change provisions of the Low-Level Radioactive Waste Disposal Act.
1194* Create the Nebraska Transportation Coordination Commission.
1214* Eliminate the Nebraska Pickle Card Lottery Act.
1216* Provide a chancellor for the Institute of Agriculture and Natural Resources.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

MERTON L. DIERKS

LB

103* Adopt the State Livestock Health Act.
103A* Appropriation Bill.
326* Eliminate restrictions on creation of new school districts.
537* Define controlled substance analogue.
861* Prohibit certain distributions and rebates of smokeless tobacco products.

895* Provide income tax deduction for public and private education expenses.
922* Transfer veterans' homes administration to Department of Veterans' Affairs.
935* Change provisions relating to insurance payments for treatment.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
983* Change provisions relating to payment of judgments by political subdivisions.
1042*** Provide for the continuation of the School of Technical Agriculture.
1088* Adopt the Animal Protection Act.
1092* Change provisions of the Low-Level Radioactive Waste Disposal Act.
1121* Change factors for computing income tax rates.
1145* Create the Vocational Education Fund.
1159* Authorize fire protection districts to provide service outside district boundaries.
1192* Appropriate funds to the Department of Roads.
1194* Create the Nebraska Transportation Coordination Commission.
1205* Change provisions relating to sales of state surplus property.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

W. OWEN ELMER

LB

124* Adopt the Grasslands Protection Act.
155* Provide for registration of persons involved in aquaculture.
420* Adopt the Tax Delinquency Amnesty Act.
602* Change County Purchasing Act provisions.
723* Adopt the Propane Safety Act.
723A* Appropriation Bill.
819 Change provisions relating to property tax refunds.
825* Change provisions relating to controlled shooting areas.
911* Adopt the Noxious Weed Control Act.

911A Appropriation Bill.
935* Change provisions relating to insurance payments for treatment.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
992* Eliminate a time limit for technical community colleges to levy taxes.
1042*** Provide for the continuation of the School of Technical Agriculture.
1065* Require licensure and provide regulations for all-terrain vehicles.
1202* Create the State Laboratory.
1214* Eliminate the Nebraska Pickle Card Lottery Act.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

GLENN A. GOODRICH

LB

195 Provide for the creation of additional mental health and retardation regions.
488* Provide for deposit of public funds in certain financial institutions.
551* Allow school retirement plan buy backs of certain prior service.
655 Establish cost-of-living adjustment for retired state patrol members.
657 Limit the duration of certain future interests.
668 Provide powers and duties for mental retardation regions and the director.
700* Change provisions of the Nebraska Property and Liability Insurance Guaranty Association Act.
858* Provide equal provisions for state and federal savings and loan associations.
881* Establish a county work-relief program.
929 Permit certain unlicensed persons to provide bingo equipment.
935* Change provisions relating to insurance payments for treatment.

957 Provide equal provisions for state and federal credit unions.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
1026* Provide for the licensing of massage therapists and schools.
1042*** Provide for the continuation of the School of Technical Agriculture.
1052 Provide handicapped parking permits for the elderly.
1083* Change provisions of the Nebraska Investment Finance Authority Act.
1110* Adopt the Shareholders' Protection Act.
1163 Provide homestead exemptions for persons classified missing in action.
1176 Adopt the Crime Victim's Assistance Act.
1215 Require the State Fire Marshal to adopt firefighter training and equipment standards.

REX HABERMAN

LB

52 Allocate membership dues to the Council of State Governments.
57 Provide cost-of-living adjustment for judges' retirement benefits.
58 Increase monthly benefit provisions in the judges' retirement system.
123* Provide immunity from civil damages for nonprofit sports programs.
160* Authorize retirement of school employees after 35 years of service.
498 Change insurance policy cancellation and renewal provisions.
578 Change provisions regarding school retirement system fund deposits.
578A Appropriation Bill.
702* Modify provisions relating to bank holding companies.
829 Change provisions relating to tax rates on parimutuel wagering.
830 Require banks to pay rent and utilities for storage of personal property.
931* Provide three mile jurisdiction outside first class city limits.
944 Require liquor licensees to keep sales records of certain beer purchases.

945 Limit the sizes of beer kegs which retailers may sell.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
972A Appropriation Bill.
984 Authorize security for future advances by transfers in trust.
1083* Change provisions of the Nebraska Investment Finance Authority Act.
1091* Create the Railroad Personal Property Tax Refund Fund.
1168 Exempt Nebraska Investment Council personnel from the state personnel system.

LR

252CA* Proposed constitutional amendment to establish a state lottery.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

TIMOTHY J. HALL

LB

230* Change provisions for transfer of funds from Highway Trust Fund to State Patrol.
377* Change provisions regarding driving while intoxicated and implied consent.
541 Change provisions relating to drainage district board elections.
557 Establish requirements for the certification and registration of nutritionists.
557A Appropriation Bill.
703* Remove limitations from the establishment of branch banks.
716* Change provisions relating to elections and ballot issues.
716A Appropriation Bill.
760* Establish licensing provisions to practice clinical laboratory technology.
859* Change funding provisions for Nebraska Schools for the Deaf and Visually Handicapped.
863* Create the Boiler Safety Code Advisory Board.
863A* Appropriation Bill.
864* Change procedures for processing certain claims against the state.
866* Adjust retirement benefits for state patrol officers.
895* Provide income tax deduction for public and private education expenses.

926* Change provisions relating to school district lease-purchase agreement funding.
931* Provide three mile jurisdiction outside first class city limits.
942* Authorize collective bargaining units for Class V school employees.
989* Eliminate State Bar Association membership as a prerequisite to practice law.
1066* Provide for payment of Commonwealth depositor claims.
1098 Change provisions relating to initiative and referendum petitions.
1099 Exempt certain minors from the minimum wage rate.
1118 Appropriate funds to the Department of Correctional Services.
1119 Change provisions relating to the Commission of Industrial Relations.
1120 Require teacher competency in human relations.
1146 Provide for treatment of self-insured instruments in bankruptcy proceedings.
1177* Change provisions relating to liquor sales on Sundays and in-room bar devices.
1194* Create the Nebraska Transportation Coordination Commission.
1198* Require supervision of apprentice electricians.
1202* Create the State Laboratory.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
248CA* Proposed constitutional amendment to change petition and voting eligibility requirements.
252CA* Proposed constitutional amendment to establish a state lottery.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

GARY E. HANNIBAL

LB

123* Provide immunity from civil damages for nonprofit sports programs.
420* Adopt the Tax Delinquency Amnesty Act.
488* Provide for deposit of public funds in certain financial institutions.

1089 Require licensure of brewpub operators.
1203* Establish procedures for fire protection districts to incur indebtedness.
1209 Change provisions relating to service company certificates of authority.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

BILL HARRIS

LB

90* Authorize the taking of videotape depositions from certain children.
113* Change provisions for insolvent financial institution deposit and exchange claims.
202* Eliminate the Nebraska Depository Institution Guaranty Corporation Act.
220* Allow retired state employees to continue participation in health plan.
375* Change provisions relating to bank holding companies.
658* Change provisions relating to ethanol and electricity.
686* Appropriate money to Commonwealth Savings Company receiver.
717 Authorize Nebraska State Fairground improvements.
749 Adopt the Enterprise Zone Demonstration Act.

D. PAUL HARTNETT

LB

90* Authorize the taking of videotape depositions from certain children.
160* Authorize retirement of school employees after 35 years of service.
305 Change provisions relating to motor vehicle titles.
305A Appropriation Bill.
395A* Appropriation Bill.
420* Adopt the Tax Delinquency Amnesty Act.
551* Allow school retirement plan buy backs of certain prior service.
551A Appropriation Bill.
607 Change age requirement for volunteer firefighter group life insurance.

620 Change provisions relating to immunity for emergency service providers.
621 Adopt the Public Docks Act.
625 Change provision relating to 1st class city council votes.
627 Authorize the Homestead Exemption Fund.
628 Change liquor excise tax exemption provision.
630 Change provisions relating to dogs running at large.
632* Create the Highway Improvement Bond Fund.
705* Require study relating to the effects of public power industry restructuring.
833* Change filing provisions for motor vehicle tax refunds or credits.
926* Change provisions relating to school district lease-purchase agreement funding.
934* Authorize garbage collection and removal for cities and villages.
958* Provide additional uses for motor vehicle tax revenue.
959* Change provisions for submitting a local sales tax issue to the voters.
961* Require political subdivisions to obtain insurance for civil defense.
983* Change provisions relating to payment of judgments by political subdivisions.
1029* Change provisions for cigarette tax proceed distribution to state colleges.
1029A* Appropriation Bill.
1030* Change provisions relating to garnishment proceedings.
1031* Adopt the Waste Tire Recycling Act.
1037 Increase county motor vehicle registration fees.
1053* Provide a tax on marijuana and controlled substances.
1068 Change a provision relating to the appraised value of school land.
1077 Authorize the leasing of school district property.
1086* Redefine in-state sales of tangible personal property.
1091* Create the Railroad Personal Property Tax Refund Fund.
1110* Adopt the Shareholders' Protection Act.
1134* Change a membership provision relating to municipal planning commissions.
1135* Change a jurisdictional provision relating to first-class city ordinances.
1136* Change provisions relating to the Nebraska Political Accountability and Disclosure Act.
1137 Exempt attorneys who sell title insurance from continuing education requirements.

1138 Redefine nonreturnable container for sales tax exemption purposes.
1153 Authorize certain persons to approve replatting.
1154 Provide a definition for community antenna television service.
1155 Change provisions for fire protection district annexation and service contracts.
1156 Change provisions relating to the rights of districts to challenge annexation.
1175* Provide a medical expense deduction for homestead exemption purposes.
1177* Change provisions relating to liquor sales on Sundays and in-room bar devices.
1189 Provide an insurance premium reduction for certain drivers over age 55.
1190 Establish provisions for municipal ownership of gas utilities.
1191 Provide for a sales tax on satellite television devices and services.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
20CA Proposed constitutional amendment to limit certain taxes for highway construction and repair.
252CA* Proposed constitutional amendment to establish a state lottery.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

ELROY M. HEFNER

LB

124* Adopt the Grasslands Protection Act.
420* Adopt the Tax Delinquency Amnesty Act.
457* Provide for the issuance of additional bonds for road construction.
632* Create the Highway Improvement Bond Fund.
825* Change provisions relating to controlled shooting areas.
826 Change provisions for returned farm implements, machinery, and repair parts.
827* Provide requirements and restrictions for pickle card licenses and sales.
882* Change provisions for proposed low-level radioactive waste sites.

911* Adopt the Noxious Weed Control Act.
960* Provide restrictions and change qualifications relating to pickle cards.
961* Require political subdivisions to obtain insurance for civil defense.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
983* Change provisions relating to payment of judgments by political subdivisions.
992* Eliminate a time limit for technical community colleges to levy taxes.
1000* Require suspension of driving privileges of minors for certain offenses.
1002* Change provisions relating to operating a motorboat under the influence.
1003 Change provisions relating to School Foundation and Equalization Fund aid.
1049* Adopt the Athlete Agents Registration Act.
1065* Require licensure and provide regulations for all-terrain vehicles.
1079* Adopt the Prompt Payment Act.
1079A Appropriation Bill.
1092* Change provisions of the Low-Level Radioactive Waste Disposal Act.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
22CA Proposed constitutional amendment to require funding of new political subdivision programs.
246CA Proposed constitutional amendment to vacate elective offices upon conviction of a felony.
257CA* Proposed constitutional amendment to permit recall of all elected officeholders.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

MARGE HIGGINS

LB

90* Authorize the taking of videotape depositions from certain children.
463* Adopt the Adult Protective Services Act.

935* Change provisions relating to insurance payments for treatment.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
1029* Change provisions for cigarette tax proceed distribution to state colleges.
1029A* Appropriation Bill.
1121* Change factors for computing income tax rates.
1122* Limit tax incentives relating to the Employment and Investment Growth Act.
1205* Change provisions relating to sales of state surplus property.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

STEPHANIE A. JOHANNS

LB

337A* Adopt the Trade Secrets Act.
815* Adopt the Uniform Unclaimed Property Act.
853 Change provisions relating to levies and bonds for county buildings.
854 Authorize sale of land to Lancaster County by Department of Correctional Services.
854A Appropriation Bill.
926* Change provisions relating to school district lease-purchase agreement funding.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
973 Change a notice provision relating to weed removal in primary class cities.
1066* Provide for payment of Commonwealth depositor claims.
1097* Change provisions relating to eyesight requirements for drivers licenses.
1110* Adopt the Shareholders' Protection Act.
1124* Change provisions for tax levies on technical community college capital construction.
1177* Change provisions relating to liquor sales on Sundays and in-room bar devices.
1188 Permit animal technicians to vaccinate for rabies.

1194* Create the Nebraska Transportation Coordination Commission.
1202* Create the State Laboratory.
1223* Change provisions relating to manner, proof, and costs of service of process.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

LOWELL C. JOHNSON

LB

38* Authorize Nebraska Coordinating Commission for Postsecondary Education to provide funds.
488* Provide for deposit of public funds in certain financial institutions.
684* Modify provisions relating to tractor testing.
733 Designate a railroad museum.
857* Change provisions relating to motor vehicle certificate of title forms and applications.
858* Provide equal provisions for state and federal savings and loan associations.
1030* Change provisions relating to garnishment proceedings.
1065* Require licensure and provide regulations for all-terrain vehicles.
1091* Create the Railroad Personal Property Tax Refund Fund.
1174* Change provisions relating to the Nebraska Political Accountability and Disclosure Act.
1221* Provide for state payments of costs for determining mental competency.
1221A* Appropriation Bill.

ROD JOHNSON

LB

124* Adopt the Grasslands Protection Act.
326* Eliminate restrictions on creation of new school districts.
706 Adopt the Environmental Response and Liability Act.
761* Require installation of main electrical disconnects.
838* Create the Antique Farm Equipment Commission and museum.
870* Restrict liability in actions involving the gleaning of farm products.

871 Clarify provisions relating to Department of Agriculture duties and powers.
872 Require warehouse operators and warehousemen to be licensed.
873 Provide a sales tax exemption for pet food.
874 Adopt the Plant Protection and Plant Pest Act.
883* Establish a Department of Justice agriculture division.
913* Change provisions relating to credit card fees and loan service costs.
943* Change provisions relating to agricultural liens and security interests.
950 Change penalty provisions relating to drainage obstructions.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
987* Provide a master lien list for farm product financial transactions.
1023 Require licenses for solid waste management facilities.
1029* Change provisions for cigarette tax proceed distribution to state colleges.
1029A* Appropriation Bill.
1042*** Provide for the continuation of the School of Technical Agriculture.
1050 Reduce sales tax exemption on food and create a property tax relief fund.
1067 Authorize grain warehouse licensees to use additional forms of security.
1091* Create the Railroad Personal Property Tax Refund Fund.
1187 Change provisions of the Nebraska Seed Law.
1202* Create the State Laboratory.
1214* Eliminate the Nebraska Pickle Card Lottery Act.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
249CA* Proposed constitutional amendment for the separate tax classification of agricultural land.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

VARD R. JOHNSON

LB	
229*	Establish a high-risk pregnancy support program.
230*	Change provisions for transfer of funds from Highway Trust Fund to State Patrol.
288A	Appropriation Bill.
294A	Appropriation Bill.
295	Change provisions relating to gambling.
295A	Appropriation Bill.
421	Change horse registration provisions for Nebraska-bred horses.
464	Change bingo taxation provisions.
466	Change provisions relating to county medical assistance payments.
470	Change provisions for distribution of sales tax on motor vehicles.
475*	Adopt the Nebraska Short Form Act.
517	Establish the Adolescent Pregnancy Prevention and Services Program.
517A	Appropriation Bill.
518*	Increase Aid to Dependent Children.
518A*	Appropriation Bill.
552*	Provide delegation of duties to dental assistants.
724	Adopt the Nebraska State Lottery Act.
726	Require the merger of school districts.
726A	Appropriation Bill.
734	Provide computation of additions to insurance tax rates.
760*	Establish licensing provisions to practice clinical laboratory technology.
842	Change provisions relating to real estate assessment record preparation.
843	Establish voluntary tenure settlement programs for University of Nebraska and state colleges.
844	Eliminate certain provisions relating to agricultural land valuations.
847*	Adopt the Protocol Act.
847A*	Appropriation Bill.
1029A*	Appropriation Bill.
1039A	Appropriation Bill.
1144	Appropriate funds to complete plans for a UNO performing arts center.
1180	Provide a waiver of an examination requirement for a medical license.
1208	Change fees for certain commercial trucks.

1222 Change provisions relating to the Nebraska Bingo Act.

LR

15CA Proposed constitutional amendment to expand wagering on horse races.

FRANK KORSHOJ

LB

362* Change law enforcement training center admission requirements.

602* Change County Purchasing Act provisions.

880* Provide for the licensing of naturophathic physicians.

934* Authorize garbage collection and removal for cities and villages.

983* Change provisions relating to payment of judgments by political subdivisions.

986 Provide stepparent visitation.

989* Eliminate State Bar Association membership as a prerequisite to practice law.

991 Lower amounts recoverable against political subdivisions for tort claims.

1001 Change provisions relating to required submission to truth and deception exams.

1029* Change provisions for cigarette tax proceed distribution to state colleges.

1029A* Appropriation Bill.

1045* Change provisions relating to natural resources district reorganization.

1069* Change provisions relating to diseases and Workers' Compensation.

1070* Permit patient information to be provided to rescue and funeral personnel.

1071* Change provisions relating to assault to include transmission of AIDS.

1078 Change provisions relating to elections of drainage district directors.

1093* Allow holders of limited school driving permits to transport family members.

1121* Change factors for computing income tax rates.

1122* Limit tax incentives relating to the Employment and Investment Growth Act.

1143A Appropriation Bill.

1205* Change provisions relating to sales of state surplus property.

1214* Eliminate the Nebraska Pickle Card Lottery Act.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

BERNICE LABEDZ

LB

151* Provide for the sale and transfer of ground water.
488* Provide for deposit of public funds in certain financial institutions.
654* Provide telephone service credit for low-income elderly persons.
735* Change the maximum interest rate on loans and credit cards.
860* Adopt the Nebraska College Savings Plan Act.
895* Provide income tax deduction for public and private education expenses.
931* Provide three mile jurisdiction outside first class city limits.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
1029* Change provisions for cigarette tax proceed distribution to state colleges.
1029A* Appropriation Bill.
1042*** Provide for the continuation of the School of Technical Agriculture.
1066* Provide for payment of Commonwealth depositor claims.
1069* Change provisions relating to diseases and Workers' Compensation.
1101* Create and provide funding for the Nebraska Adult Basic Education Program.
1199* Require labels on video movies relating to distribution to minors.
1202* Create the State Laboratory.
1218* Change approval requirements for campus buildings and facilities.
1219* Change a membership provision of the Retirement Systems Committee.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.

258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

HOWARD A. LAMB

LB

326* Eliminate restrictions on creation of new school districts.

593 Authorize certain municipalities to own, operate, or lease a cable television system.

594 Change provisions relating to the Erosion and Sediment Control Act.

644* Change nonresident tuition calculation provisions.

735* Change the maximum interest rate on loans and credit cards.

758 Provide for the assertion of third party rights.

761* Require installation of main electrical disconnects.

817 Change a provision relating to a Water Management Board study.

818 Provide fire-safety equipment requirements and penalties for railroads.

972* Provide a sales tax exemption for farm machinery, equipment, and parts.

1009* Change provisions relating to liens on motor vehicles.

1051* Increase a motor vehicle financial responsibility deposit requirement.

1059 Change provisions for certification of nonresident high school tuition charges.

1091* Create the Railroad Personal Property Tax Refund Fund.

1093* Allow holders of limited school driving permits to transport family members.

1094 Provide for the valuation and assessment of severed mineral interests.

1095 Require political subdivisions to request in-lieu-of-tax payments.

1096 Change the minimum wage rate for certain student employees.

1117* Create an Education Technology Center within the Department of Education.

1165* Provide return of notice to county clerks for railroad property valuations.

1192* Appropriate funds to the Department of Roads.

1194* Create the Nebraska Transportation Coordination Commission.
1202* Create the State Laboratory.
1214* Eliminate the Nebraska Pickle Card Lottery Act.
1217* Change provisions of the Ethanol Authority and Development Act.
1225* Provide plans and procedures for the affiliation of school districts.

LR

249CA* Proposed constitutional amendment for the separate tax classification of agricultural land.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

DAVID LANDIS

LB

88* Adopt Rights of the Terminally Ill Act.
113* Change provisions for insolvent financial institution deposit and exchange claims.
118* Prohibit the intimidation of crime witnesses and victims.
202* Eliminate the Nebraska Depository Institution Guaranty Corporation Act.
352* Change provisions relating to administrative appeal procedures.
363* Change provisions relating to motions for new trials on damage issues.
490 Authorize retail liquor licensees to provide catering.
883* Establish a Department of Justice agriculture division.
917* Indemnify Nebraska State Historical Society officers, directors, and employees.
918 Provide liability immunity for political subdivisions relating to inspections.
919 Change provisions relating to the Intergovernmental Risk Management Act.
925 Require notice to lienholders of taxes due.
926* Change provisions relating to school district lease-purchase agreement funding.
999* Provide an income tax credit for businesses which provide day care.
1000* Require suspension of driving privileges of minors for certain offenses.
1020 Provide restrictions relating to the display and rental of video movies.

1021 Change provisions of the Nebraska Principal and Income Act.
1066* Provide for payment of Commonwealth depositor claims.
1082 Adopt the Community Economic Development Partnership Act.
1083* Change provisions of the Nebraska Investment Finance Authority Act.
1102 Restrict liability limitations for underinsured motorist coverage.
1110* Adopt the Shareholders' Protection Act.
1113 Change provisions relating to petroleum products and hazardous substances.
1157 Change provisions relating to the registration of securities.
1174* Change provisions relating to the Nebraska Political Accountability and Disclosure Act.
1207 Provide for the intercounty equalization of agricultural property.
1207A Appropriation Bill.
1214* Eliminate the Nebraska Pickle Card Lottery Act.

LORRAINE LANGFORD

LB

420* Adopt the Tax Delinquency Amnesty Act.
880* Provide for the licensing of naturophathic physicians.
935* Change provisions relating to insurance payments for treatment.
1091* Create the Railroad Personal Property Tax Refund Fund.
1225* Provide plans and procedures for the affiliation of school districts.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

DANIEL C. LYNCH

LB

170* Prohibit the fighting, baiting, or pitting of an animal against another.
263* Restrict zoning changes relating to the 3 mile limit of cities.
271* Change standards for criminal detention facilities.
350 Adopt the Mail Service Prescription Drug Act.

350A	Appropriation Bill.
351	Change provisions for zoning of environmentally sensitive areas.
418*	Authorize spousal reservation of income for medical assistance eligibility.
419*	Authorize spousal asset reservation for medical assistance eligibility.
422*	Change zoning jurisdiction of cities, villages, and counties.
428	Require helmet protection for motorcyclists.
429	Change provisions for letting of certain county construction contracts.
506A	Appropriation Bill.
512	Eliminate provisions relating to illegal solicitation of funds.
534*	Adopt the Ionizing Radiation Licensing Act.
556*	Allow mentally retarded persons to receive community-based services.
582*	Provide requirements relating to chemical tests on employees.
713	Permit certain transactions by domestic insurance company officers.
848	Change the sales and use tax exemption for magazines and journals.
881*	Establish a county work-relief program.
883*	Establish a Department of Justice agriculture division.
972*	Provide a sales tax exemption for farm machinery, equipment, and parts.
979	Require school districts to provide teacher preparation periods.
1029*	Change provisions for cigarette tax proceed distribution to state colleges.
1029A*	Appropriation Bill.
1060*	Change provisions relating to asbestos.
1083*	Change provisions of the Nebraska Investment Finance Authority Act.
1101*	Create and provide funding for the Nebraska Adult Basic Education Program.
1110*	Adopt the Shareholders' Protection Act.
1123*	Provide education and job training for Aid to Dependent Children recipients.
1134*	Change a membership provision relating to municipal planning commissions.
1135*	Change a jurisdictional provision relating to first-class city ordinances.

1152* Require safety education courses for motorcycle license applicants.
1175* Provide a medical expense deduction for homestead exemption purposes.
1177* Change provisions relating to liquor sales on Sundays and in-room bar devices.
1194* Create the Nebraska Transportation Coordination Commission.
1212 Adopt the Construction Workers Fringe Benefit Society Act.
1221* Provide for state payments of costs for determining mental competency.
1221A* Appropriation Bill.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

SHIRLEY M. MARSH

LB

88* Adopt Rights of the Terminally Ill Act.
95 Change provisions of the Nebraska Clean Indoor Air Act.
113* Change provisions for insolvent financial institution deposit and exchange claims.
170* Prohibit the fighting, baiting, or pitting of an animal against another.
202* Eliminate the Nebraska Depository Institution Guaranty Corporation Act.
273* Change provisions relating to controlled substances and the physician-patient privilege.
273A* Appropriation Bill.
316* Change provisions regarding student discipline for sexual assault.
463* Adopt the Adult Protective Services Act.
552* Provide delegation of duties to dental assistants.
646 Change enforcement provisions relating to the public building handicapped accessibility code.
686* Appropriate money to Commonwealth Savings Company receiver.
824 Permit issuance of prisoner of war license plates to surviving spouses.

926* Change provisions relating to school district lease-purchase agreement funding.
1028 Provide a fee for student transportation vehicle operator's permit.
1028A Appropriation Bill.
1029* Change provisions for cigarette tax proceed distribution to state colleges.
1029A* Appropriation Bill.
1058 Permit Lincoln to enter into contracts for the lease of property.
1066* Provide for payment of Commonwealth depositor claims.
1132* Change provisions relating to tax levies for technical community college capital construction.
1214* Eliminate the Nebraska Pickle Card Lottery Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

JAMES D. MCFARLAND

LB

90* Authorize the taking of videotape depositions from certain children.
113* Change provisions for insolvent financial institution deposit and exchange claims.
158 Establish a program for gifted students.
158A Appropriation Bill.
170* Prohibit the fighting, baiting, or pitting of an animal against another.
202* Eliminate the Nebraska Depository Institution Guaranty Corporation Act.
520 Change provisions relating to school district reorganization and employment contracts.
894* Exempt the State Board of Agriculture from sales taxes.
904 Authorize school districts to enter into nonteaching services contracts.
905 Provide free college tuition for persons sixty or older.
906 Authorize fees for certain court reporter services.
907 Eliminate court reporter fees.
908 Authorize name changes during the pendency of divorces and annulments.
923 Change provisions relating to Fair Employment and Equal Opportunity Commission.

924 Provide court reporter services at not cost.
926* Change provisions relating to school district lease-purchase agreement funding.
1049* Adopt the Athlete Agents Registration Act.
1066* Provide for payment of Commonwealth depositor claims.
1076 Change financial assistance to school districts.
1081 Require public schools to administer achievement tests.
1091* Create the Railroad Personal Property Tax Refund Fund.
1121* Change factors for computing income tax rates.
1122* Limit tax incentives relating to the Employment and Investment Growth Act.
1125 Change provisions for attorneys of the Motor Vehicle Industry Licensing Board.
1193 Change provisions relating to Class III and IV school district budgets.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
253CA* Proposed constitutional amendment to change voting eligibility.

JERRY D. MILLER

LB

128 Change provisions for county school superintendents and weed district boards.
395A* Appropriation Bill.
556* Allow mentally retarded persons to receive community-based services.
658* Change provisions relating to ethanol and electricity.
935* Change provisions relating to insurance payments for treatment.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
992* Eliminate a time limit for technical community colleges to levy taxes.
1044 Change provisions relating to estate taxes.
1091* Create the Railroad Personal Property Tax Refund Fund.
1105 Change provisions for determining homestead exemptions.
1105A Appropriation Bill.
1123* Provide education and job training for Aid to Dependent Children recipients.
1214* Eliminate the Nebraska Pickle Card Lottery Act.

1217* Change provisions of the Ethanol Authority and Development Act.

SCOTT MOORE

LB

181* Limit access to certain obscene and harmful materials by minors.
210* Adopt the Public Education Income Tax Act.
326* Eliminate restrictions on creation of new school districts.
420* Adopt the Tax Delinquency Amnesty Act.
457* Provide for the issuance of additional bonds for road construction.
476 Prohibit police citation quotas.
684* Modify provisions relating to tractor testing.
820 Change penalty provisions relating to driving while under the influence.
821* Authorize courts to close offices on Martin Luther King, Jr.'s birthday.
822 Increase availability of computers at University of Nebraska-Lincoln.
823 Permit nonprofit community organizations to use school buses.
838* Create the Antique Farm Equipment Commission and museum.
865* Provide for licensure of rescue and basic life support personnel.
870* Restrict liability in actions involving the gleaning of farm products.
935* Change provisions relating to insurance payments for treatment.
983* Change provisions relating to payment of judgments by political subdivisions.
1009* Change provisions relating to liens on motor vehicles.
1017 Change Aid to Dependent Children eligibility provisions.
1018 Exempt admission charges to body toning salons from sales and use tax.
1029* Change provisions for cigarette tax proceed distribution to state colleges.
1029A* Appropriation Bill.
1057 Provide for licensing of certain insurance agents without examination.
1065* Require licensure and provide regulations for all-terrain vehicles.

1069* Change provisions relating to diseases and Workers' Compensation.
1091* Create the Railroad Personal Property Tax Refund Fund.
1139 Require high school students to take the Scholastic Aptitude Test.
1140 Change provisions relating to nonresident pupil transportation and education payments.
1174* Change provisions relating to the Nebraska Political Accountability and Disclosure Act.
1200 Provide a merit pay program for teachers.
1201 Establish a sales tax and sales tax credit relating to food.
1205* Change provisions relating to sales of state surplus property.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
249CA* Proposed constitutional amendment for the separate tax classification of agricultural land.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.
265CA* Proposed constitutional amendment to eliminate the State Board of Education.

PATRICIA MOREHEAD

LB

68 Change provisions relating to regulation of milk.
88* Adopt Rights of the Terminally Ill Act.
90* Authorize the taking of videotape depositions from certain children.
220* Allow retired state employees to continue participation in health plan.
259 Change provisions relating to intermediate care facilities for the mentally retarded.
259A Appropriation Bill.
375* Change provisions relating to bank holding companies.
556* Allow mentally retarded persons to receive community-based services.
851 Prohibit the sale of alcohol to intoxicated persons and change penalties.
852 Require examinations prior to retail liquor license issuance or renewal.

879* Adjust retirement benefits for certain retired school employees.
881* Establish a county work-relief program.
898 Exempt certain handicapped-retarded children from educational services.
900 Change the words printed on farm truck license plates to read "private."
902A Appropriation Bill.
903* Change provisions for the construction of water impoundment structures.
941 Provide time limits for special alcohol permit applications.
975 Change provisions relating to city airport authority vacancies.
976 Require certain property used by airport authorities to be insured.
1008 Change provisions relating to state identification cards.
1008A Appropriation Bill.
1091* Create the Railroad Personal Property Tax Refund Fund.
1103 Include health services in the Program of Student Personnel Services.
1103A Appropriation Bill.
1104 Provide eligibility requirements for school nurses.
1111 Appropriate funds to the Nebraska Arts Council.
1112 Provide a sales tax exemption for art purchases by fine arts museums.
1165* Provide return of notice to county clerks for railroad property valuations.
1194* Create the Nebraska Transportation Coordination Commission.
1195* Increase the penalty for failure to surrender a revoked drivers license.
1214* Eliminate the Nebraska Pickle Card Lottery Act.
1217* Change provisions of the Ethanol Authority and Development Act.
1223* Change provisions relating to manner, proof, and costs of service of process.

LR

258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.
265CA* Proposed constitutional amendment to eliminate the State Board of Education.

ARLENE B. NELSON

LB

647* Adopt the Vocational Education Program Support Act.
647A* Appropriation Bill.
658* Change provisions relating to ethanol and electricity.
827* Provide requirements and restrictions for pickle card licenses and sales.
846 Appropriate funds for substance abuse and mental health programs.
861* Prohibit certain distributions and rebates of smokeless tobacco products.
890* Eliminate the University of Nebraska associate degree nursing program.
912* Redefine not-for-profit organization.
959* Change provisions for submitting a local sales tax issue to the voters.
960* Provide restrictions and change qualifications relating to pickle cards.
974* Change fees charged by sheriffs and other process servers.
983* Change provisions relating to payment of judgments by political subdivisions.
1027* Provide bumper height restrictions on passenger cars and trucks.
1070* Permit patient information to be provided to rescue and funeral personnel.
1071* Change provisions relating to assault to include transmission of AIDS.
1091* Create the Railroad Personal Property Tax Refund Fund.
1101* Create and provide funding for the Nebraska Adult Basic Education Program.
1185* Adopt the Nursing Student Assistance Act.
1186* Change provisions relating to snowmobiles.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

JAMES E. PAPPAS

LB	
86*	Change provisions for property tax exemptions on rental inventory.
90*	Authorize the taking of videotape depositions from certain children.
151*	Provide for the sale and transfer of ground water.
155*	Provide for registration of persons involved in aquaculture.
160*	Authorize retirement of school employees after 35 years of service.
191*	Prohibit certain settlements or releases of liability by injured persons.
192	Allow first class city police officers to receive lump sum pension benefits.
260	Change optional health insurance coverage for certain retired state employees.
337A*	Adopt the Trade Secrets Act.
340	Authorize certain capital construction from Visitors' Development Act funds.
373*	Provide payment of claims against insurance guaranty associations.
420*	Adopt the Tax Delinquency Amnesty Act.
519*	Change membership provisions relating to police bargaining units.
534*	Adopt the Ionizing Radiation Licensing Act.
542	Increase Aid to Dependent Children.
611	Adopt the Railroad Inspection Act.
612*	Adopt the Unmarked Human Burial and Skeletal Remains Protection Act.
654*	Provide telephone service credit for low-income elderly persons.
658*	Change provisions relating to ethanol and electricity.
702*	Modify provisions relating to bank holding companies.
703*	Remove limitations from the establishment of branch banks.
761*	Require installation of main electrical disconnects.

RICHARD PETERSON

LB	
299	Change mail box placement and support provisions.
369*	Establish provisions to provide replacement property in eminent domain cases.
420*	Adopt the Tax Delinquency Amnesty Act.

457* Provide for the issuance of additional bonds for road construction.
632* Create the Highway Improvement Bond Fund.
862 Change provisions relating to a special tax for public safety equipment.
911* Adopt the Noxious Weed Control Act.
961* Require political subdivisions to obtain insurance for civil defense.
969 Change provisions relating to driving on shoulders of highways.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
1030* Change provisions relating to garnishment proceedings.
1213 Provide a setoff for delinquent real property taxes.
1214* Eliminate the Nebraska Pickle Card Lottery Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
250CA Proposed constitutional amendment to eliminate a legislator's privilege from certain arrests.
251CA Proposed constitutional amendment to permit the issuance of traffic citations to legislators.
257CA* Proposed constitutional amendment to permit recall of all elected officeholders.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

CAROL MCBRIDE PIRSCH

LB

90* Authorize the taking of videotape depositions from certain children.
117 Change provisions for sale, distribution, and possession of obscene materials.
118* Prohibit the intimidation of crime witnesses and victims.
120 Change provisions relating to criminal mischief.
121* Change provisions relating to theft.
122 Authorize discovery by the prosecuting attorney before trial.
123* Provide immunity from civil damages for nonprofit sports programs.
170* Prohibit the fighting, baiting, or pitting of an animal against another.
271* Change standards for criminal detention facilities.

273*	Change provisions relating to controlled substances and the physician-patient privilege.
273A*	Appropriation Bill.
535	Change provisions relating to crime victims and witnesses.
554*	Change provisions relating to witness fees.
697	Provide access to certain mental health records.
880*	Provide for the licensing of naturophathic physicians.
886	Change provisions relating to corporations and limited partnerships.
887	Change provisions relating to the Protection from Domestic Abuse Act.
888	Increase criminal proceeding fees to credit to victims' compensation.
888A	Appropriation Bill.
889	Require interest payments on certain escrow accounts.
968	Change provisions relating to corporations, director liability, removal, and loans.
983*	Change provisions relating to payment of judgments by political subdivisions.
988*	Adopt the Proceeds of Stories of Felons Act.
1030*	Change provisions relating to garnishment proceedings.
1065*	Require licensure and provide regulations for all-terrain vehicles.
1151	Change provisions relating to Crime Victim's Reparations Committee.
1223*	Change provisions relating to manner, proof, and costs of service of process.

LR

7CA*	Proposed constitutional amendment to increase legislative salaries.
253CA*	Proposed constitutional amendment to change voting eligibility.

R. WILEY REMMERS

LB

76	Authorize licensed practical nurses to be certified ambulance attendants.
210*	Adopt the Public Education Income Tax Act.
402*	Provide criteria for drug education courses.
537*	Define controlled substance analogue.
700*	Change provisions of the Nebraska Property and Liability Insurance Guaranty Association Act.
845	Change provisions relating to inheritance taxes.

856 Redefine insurance within the Intergovernmental Risk Management Act.
859* Change funding provisions for Nebraska Schools for the Deaf and Visually Handicapped.
865* Provide for licensure of rescue and basic life support personnel.
883* Establish a Department of Justice agriculture division.
909* Change the observance of Arbor Day to the last Friday in April.
922* Transfer veterans' homes administration to Department of Veterans' Affairs.
922A Appropriation Bill.
933 Change provisions relating to federal tax liens.
935* Change provisions relating to insurance payments for treatment.
943* Change provisions relating to agricultural liens and security interests.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
987* Provide a master lien list for farm product financial transactions.
987A Appropriation Bill.
1025* Change provisions relating to security for the deposit of public funds.
1083* Change provisions of the Nebraska Investment Finance Authority Act.
1091* Create the Railroad Personal Property Tax Refund Fund.
1114 Change continuing education requirements for crop insurance agents.
1233*** Provide powers to the Governor relating to the issuance of certain bonds.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
265CA* Proposed constitutional amendment to eliminate the State Board of Education.

CARSON H. ROGERS

LB

103* Adopt the State Livestock Health Act.
103A* Appropriation Bill.
124* Adopt the Grasslands Protection Act.

393 Provide for collateral substitution under Uniform Commercial Code provisions.
435* Allow school district refinancing of lease agreements without elections.
664* Adopt the Farm Mediation Act.
831 Change provisions relating to the description of lands for tax sales.
832 Change provisions relating to keeping certain animals in captivity.
849 Provide restrictions for motor vehicle sunscreening devices.
850 Adopt the Public Building Roof Standards Act.
857* Change provisions relating to motor vehicle certificate of title forms and applications.
895* Provide income tax deduction for public and private education expenses.
943* Change provisions relating to agricultural liens and security interests.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
987* Provide a master lien list for farm product financial transactions.
1159* Authorize fire protection districts to provide service outside district boundaries.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

LEE RUPP

LB

90* Authorize the taking of videotape depositions from certain children.
534* Adopt the Ionizing Radiation Licensing Act.
537* Define controlled substance analogue.
651 Establish police officer retirement system for cities of the 2nd class.
716* Change provisions relating to elections and ballot issues.
761* Require installation of main electrical disconnects.

STAN SCHELLPEPER

LB

395A* Appropriation Bill.

838* Create the Antique Farm Equipment Commission and museum.
838A Appropriation Bill.
839 Establish the Community Health Resources Program.
839A Appropriation Bill.
840 Permit electric utility personnel to operate all-terrain vehicles.
841* Restrict the public school opening date until after Labor Day.
861* Prohibit certain distributions and rebates of smokeless tobacco products.
881* Establish a county work-relief program.
882* Change provisions for proposed low-level radioactive waste sites.
894* Exempt the State Board of Agriculture from sales taxes.
911* Adopt the Noxious Weed Control Act.
935* Change provisions relating to insurance payments for treatment.
952* Exempt farm machinery and equipment from local sales tax.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
977* Authorize additional uses for a tax levy relating to fairgrounds.
983* Change provisions relating to payment of judgments by political subdivisions.
1026* Provide for the licensing of massage therapists and schools.
1026A Appropriation Bill.
1092* Change provisions of the Low-Level Radioactive Waste Disposal Act.
1101* Create and provide funding for the Nebraska Adult Basic Education Program.
1121* Change factors for computing income tax rates.
1122* Limit tax incentives relating to the Employment and Investment Growth Act.
1145* Create the Vocational Education Fund.
1185* Adopt the Nursing Student Assistance Act.
1216* Provide a chancellor for the Institute of Agriculture and Natural Resources.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.

252CA* Proposed constitutional amendment to establish a state lottery.

258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

LORAN SCHMIT

LB

103* Adopt the State Livestock Health Act.

151* Provide for the sale and transfer of ground water.

181* Limit access to certain obscene and harmful materials by minors.

232* Authorize private vocational institutions to grant certain degrees.

238 Change provisions relating to charges for electrical energy.

373* Provide payment of claims against insurance guaranty associations.

375* Change provisions relating to bank holding companies.

380 Change telecommunications regulation provisions.

395A* Appropriation Bill.

402* Provide criteria for drug education courses.

445 Require chemigation training sessions with the Cooperative Extension Service.

457* Provide for the issuance of additional bonds for road construction.

566 Establish water use fees.

632* Create the Highway Improvement Bond Fund.

641 Eliminate provision on microwave communications facilities.

658* Change provisions relating to ethanol and electricity.

664* Adopt the Farm Mediation Act.

664A Appropriation Bill.

700* Change provisions of the Nebraska Property and Liability Insurance Guaranty Association Act.

705* Require study relating to the effects of public power industry restructuring.

707 Change agricultural loan provisions of the Nebraska Investment Finance Authority Act.

723* Adopt the Propane Safety Act.

723A* Appropriation Bill.

735* Change the maximum interest rate on loans and credit cards.

751* Provide for the sale of oxygenated fuel.
761* Require installation of main electrical disconnects.
815* Adopt the Uniform Unclaimed Property Act.
815A Appropriation Bill.
816 Change definition of World War I veterans.
895* Provide income tax deduction for public and private education expenses.
937 Prohibit the sale or repair of household appliances by utility companies.
938 Adopt the Control Share Acquisition Act.
953 Provide a procedure for the cancellation of instream appropriations.
963* Change the excise tax on wheat.
964 Require delivery of certain data on wells to the University of Nebraska.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
1022 Change provisions relating to soil and water conservation project funds.
1029* Change provisions for cigarette tax proceed distribution to state colleges.
1029A* Appropriation Bill.
1031* Adopt the Waste Tire Recycling Act.
1045* Change provisions relating to natural resources district reorganization.
1046 Change provisions of the Nebraska Chemigation Act.
1047 Provide a legal counsel for the Legislative Council.
1053* Provide a tax on marijuana and controlled substances.
1061 Change provisions relating to the Department of Environmental Control.
1062 Change licensure provisions for the Department of Environmental Control.
1063 Authorize the Department of Environmental Control to collect costs.
1083* Change provisions of the Nebraska Investment Finance Authority Act.
1097* Change provisions relating to eyesight requirements for drivers licenses.
1158 Authorize commodity boards to enter into contracts for research of tax issues.
1160 Appropriate funds to the Nebraska Natural Resources Commission.
1161 Eliminate an excise tax on railroads.

1162	Raise an excise tax on railroads transporting freight.
1181	Adopt the Water Quality Monitoring Act.
1182	Adopt the Nebraska Rural Solid Waste Reduction and Management Act.
1183	Adopt the Motor Fuel Inspection Act.
1184	Establish a sales tax exemption for fixtures to real property.
1202*	Create the State Laboratory.
1205*	Change provisions relating to sales of state surplus property.
1227	Change qualifications for the Director of Health.
1229	Adopt the Nebraska Electrical Energy Management and Incentives Act.
1230	Adopt the Education Voucher Act.
1231	Eliminate provisions for constables.
1233***	Provide powers to the Governor relating to the issuance of certain bonds.

SANDRA K. SCOFIELD

LB	
90*	Authorize the taking of videotape depositions from certain children.
124*	Adopt the Grasslands Protection Act.
188	Require lobbyists to file disclosure statements.
190	Redefine care staff member to require training in oxygen administration.
391	Establish the County Disaster Assistance Fund.
406	Limit liability of mental health service providers.
644*	Change nonresident tuition calculation provisions.
882*	Change provisions for proposed low-level radioactive waste sites.
958*	Provide additional uses for motor vehicle tax revenue.
959*	Change provisions for submitting a local sales tax issue to the voters.
966*	Eliminate provisions relating to registered professional counselors.
966A	Appropriation Bill.
1091*	Create the Railroad Personal Property Tax Refund Fund.
1091A	Appropriation Bill.
1092*	Change provisions of the Low-Level Radioactive Waste Disposal Act.
1106	Exempt Policy Research Office employees from the state personnel system.

1117* Create an Education Technology Center within the Department of Education.
1122* Limit tax incentives relating to the Employment and Investment Growth Act.
1165* Provide return of notice to county clerks for railroad property valuations.
1192* Appropriate funds to the Department of Roads.
1194* Create the Nebraska Transportation Coordination Commission.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.
265CA* Proposed constitutional amendment to eliminate the State Board of Education.

JACKLYN J. SMITH

LB

90* Authorize the taking of videotape depositions from certain children.
419* Authorize spousal asset reservation for medical assistance eligibility.
463* Adopt the Adult Protective Services Act.
534* Adopt the Ionizing Radiation Licensing Act.
860* Adopt the Nebraska College Savings Plan Act.
890* Eliminate the University of Nebraska associate degree nursing program.
891 Provide funding for driver education programs in public schools.
892 Provide a certificate of exemption fee for farm labor contractors.
893 Change duties of the State Fire Marshal and redefine explosive.
935* Change provisions relating to insurance payments for treatment.
958* Provide additional uses for motor vehicle tax revenue.
959* Change provisions for submitting a local sales tax issue to the voters.
992* Eliminate a time limit for technical community colleges to levy taxes.

1029* Change provisions for cigarette tax proceed distribution to state colleges.
1091* Create the Railroad Personal Property Tax Refund Fund.
1101* Create and provide funding for the Nebraska Adult Basic Education Program.
1152* Require safety education courses for motorcycle license applicants.
1185* Adopt the Nursing Student Assistance Act.
1194* Create the Nebraska Transportation Coordination Commission.
1217* Change provisions of the Ethanol Authority and Development Act.
1225* Provide plans and procedures for the affiliation of school districts.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

JEROME WARNER

LB

38* Authorize Nebraska Coordinating Commission for Postsecondary Education to provide funds.
113* Change provisions for insolvent financial institution deposit and exchange claims.
130 Provide for a biennial budget calculation of excess funds and receipts.
184 Require laws expending state funds be appropriated by the Legislature.
202* Eliminate the Nebraska Depository Institution Guaranty Corporation Act.
232* Authorize private vocational institutions to grant certain degrees.
420* Adopt the Tax Delinquency Amnesty Act.
554* Change provisions relating to witness fees.
684* Modify provisions relating to tractor testing.
735* Change the maximum interest rate on loans and credit cards.
764A Appropriation Bill.
836 Adopt the Interstate Motor Carriers Base State Fuel Tax Compact Act.
836A Appropriation Bill.
837 Create the Tax Incentive Distribution Fund.

838* Create the Antique Farm Equipment Commission and museum.
926* Change provisions relating to school district lease-purchase agreement funding.
962 Provide for gubernatorial appointments relating to the State Capitol environs.
1040A Appropriation Bill.
1066* Provide for payment of Commonwealth depositor claims.
1088* Adopt the Animal Protection Act.
1218* Change approval requirements for campus buildings and facilities.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

ROGER R. WEHRBEIN

LB

402* Provide criteria for drug education courses.
420* Adopt the Tax Delinquency Amnesty Act.
828* Authorize certain persons to sell obsolete surplus personal county property.
859* Change funding provisions for Nebraska Schools for the Deaf and Visually Handicapped.
909* Change the observance of Arbor Day to the last Friday in April.
910 Change filing requirements for certain council member candidates.
935* Change provisions relating to insurance payments for treatment.
970* Change provisions relating to the Class I school district tax levy and audits.
1027* Provide bumper height restrictions on passenger cars and trucks.
1115 Change the time period for tax exemptions of cemetery property.
1185* Adopt the Nursing Student Assistance Act.
1186* Change provisions relating to snowmobiles.
1205* Change provisions relating to sales of state surplus property.
1216* Provide a chancellor for the Institute of Agriculture and Natural Resources.

1217* Change provisions of the Ethanol Authority and Development Act.
1221* Provide for state payments of costs for determining mental competency.
1221A* Appropriation Bill.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
249CA* Proposed constitutional amendment for the separate tax classification of agricultural land.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

JOHN L. WEIHING

LB

420* Adopt the Tax Delinquency Amnesty Act.
579 Change liability provisions for public power and irrigation districts.
869* Redefine physician within the Nebraska Hospital-Medical Liability Act.
911* Adopt the Noxious Weed Control Act.
935* Change provisions relating to insurance payments for treatment.
963* Change the excise tax on wheat.
963A Appropriation Bill.
972* Provide a sales tax exemption for farm machinery, equipment, and parts.
992* Eliminate a time limit for technical community colleges to levy taxes.
1042*** Provide for the continuation of the School of Technical Agriculture.
1083* Change provisions of the Nebraska Investment Finance Authority Act.
1091* Create the Railroad Personal Property Tax Refund Fund.
1101* Create and provide funding for the Nebraska Adult Basic Education Program.
1132* Change provisions relating to tax levies for technical community college capital construction.
1202* Create the State Laboratory.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.

258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.
270CA* Proposed constitutional amendment to repeal restrictions on corporate farming.
271CA* Proposed constitutional amendment to change restrictions imposed on corporate farming.

DON WESELY

LB

113* Change provisions for insolvent financial institution deposit and exchange claims.
126 Require hospitals to report services rendered to the indigent.
170* Prohibit the fighting, baiting, or pitting of an animal against another.
180 Provide for the regulation of automatic dialing-announcing devices.
202* Eliminate the Nebraska Depository Institution Guaranty Corporation Act.
229* Establish a high-risk pregnancy support program.
229A Appropriation Bill.
256 Adopt the Nebraska Health Care Information Act.
257 Restrict jailing mentally ill, dangerous persons prior to commitment.
309 Adopt the Trade Secrets Act.
316* Change provisions regarding student discipline for sexual assault.
320 Change mental health regional governing board program funding requirements.
321 Adopt Residential and Community Living Mental Health Services Incentive Act.
337A* Adopt the Trade Secrets Act.
377* Change provisions regarding driving while intoxicated and implied consent.
383A Appropriation Bill.
384A Appropriation Bill.
410 Change provisions relating to the Nebraska Health Care Certificate of Need Act.
419* Authorize spousal asset reservation for medical assistance eligibility.
463* Adopt the Adult Protective Services Act.
500 Adopt State Assistance for the Medically Indigent Act.

519*	Change membership provisions relating to police bargaining units.
647*	Adopt the Vocational Education Program Support Act.
647A*	Appropriation Bill.
648	Authorize Capitol Mural Commission artwork competition.
686*	Appropriate money to Commonwealth Savings Company receiver.
691	Adopt the Chemically Impaired Professional Act.
693	Change licensing provisions for nursing home administrators.
693A	Appropriation Bill.
694	Change membership provisions relating to the Nursing Home Advisory Council.
750*	Change death penalty provisions for mentally incompetent persons.
869*	Redefine physician within the Nebraska Hospital-Medical Liability Act.
879*	Adjust retirement benefits for certain retired school employees.
917*	Indemnify Nebraska State Historical Society officers, directors, and employees.
930	Change provisions relating to fees for foster care home licenses and inspections.
966*	Eliminate provisions relating to registered professional counselors.
978	Change Liquor Control Act appeal procedure relating to local governments.
990	Establish provisions for the control of dangerous dogs.
1011A	Appropriation Bill.
1012A	Appropriation Bill.
1013A	Appropriation Bill.
1015A	Appropriation Bill.
1055	Establish provisions for medication assistants.
1056	Permit the imposition of disciplinary measures on health care facilities.
1060*	Change provisions relating to asbestos.
1066*	Provide for payment of Commonwealth depositor claims.
1072	Change provisions of the Employment and Investment Growth Act.
1073*	Authorize a tax levy for school environmental hazard abatement.
1073A	Appropriation Bill.

1074 Provide long-term appropriations for economic development.
1087 Change provisions of the Nebraska Health Care Certificate of Need Act.
1090 Require report of closed landfills by the Department of Environmental Control.
1100A Appropriation Bill.
1110* Adopt the Shareholders' Protection Act.
1124* Change provisions for tax levies on technical community college capital construction.
1170* Change provisions relating to school retirement system funds.
1171 Adopt the Venture Capital Company Act.
1194* Create the Nebraska Transportation Coordination Commission.
1206 Change the administration of divisions within the Department of Economic Development.
1217* Change provisions of the Ethanol Authority and Development Act.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.

RONALD E. WITHEM

LB

86* Change provisions for property tax exemptions on rental inventory.
90* Authorize the taking of videotape depositions from certain children.
111 Change provisions relating to licensed driver lists for jury selection.
249 Require disclosure of owners of nursing homes.
251 Change the hours of election polls.
283* Change provisions relating to the School Foundation and Equalization Act.
283A Appropriation Bill.
417 Change school district annexation and accreditation provisions.
418* Authorize spousal reservation of income for medical assistance eligibility.
418A Appropriation Bill.

419*	Authorize spousal asset reservation for medical assistance eligibility.
419A	Appropriation Bill.
444	Change school district boundary and reorganization election provisions.
477	Provide requirement for instruments recorded with the register of deeds.
478	Require printed names on grand jury petitions.
586	Provide personnel administration for certain counties.
588	Provide delegate selection to county political convention by precinct caucus.
705*	Require study relating to the effects of public power industry restructuring.
863*	Create the Boiler Safety Code Advisory Board.
863A*	Appropriation Bill.
896*	Require plans and evaluations of handicapped children in private schools.
916	Create the School Financing Review Commission.
916A	Appropriation Bill.
931*	Provide three mile jurisdiction outside first class city limits.
932	Change provisions relating to landowner protests of zoning changes.
939	Change Nebraska Educational Telecommunications Commission membership provisions.
940	Change provisions relating to accreditation and school district reorganization.
940A	Appropriation Bill.
965	Change the contribution rate of certain county retirement plan members.
1016	Change provisions for elections of sanitary and improvement district trustees.
1019	Suspend driving privileges of minors convicted of certain offenses.
1027*	Provide bumper height restrictions on passenger cars and trucks.
1097*	Change provisions relating to eyesight requirements for drivers licenses.
1116A	Appropriation Bill.
1117A	Appropriation Bill.
1134*	Change a membership provision relating to municipal planning commissions.
1135*	Change a jurisdictional provision relating to first-class city ordinances.

1136* Change provisions relating to the Nebraska Political Accountability and Disclosure Act.
1174* Change provisions relating to the Nebraska Political Accountability and Disclosure Act.
1196 Provide penalties for violations of standard code licensing provisions.
1197 Require certain school districts to offer kindergarten programs.
1204 Adopt the Higher Education Loan Forgiveness Act.
1210 Change provisions relating to the Nebraska Coordinating Commission for Postsecondary Education.

LR

7CA* Proposed constitutional amendment to increase legislative salaries.
247CA Proposed constitutional amendment to provide gubernatorial appointments to the Board of Regents.
258CA* Proposed constitutional amendment to establish a compensation review commission for legislators.
265CA* Proposed constitutional amendment to eliminate the State Board of Education.
268CA Proposed constitutional amendment to provide a single governing board for the university and state colleges.
269CA Proposed constitutional amendment to place the Board of Regents under direction of the Legislature.

* With others.
** At the request of the Governor.
*** With others and at the request of the Governor.

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

APPROPRIATIONS

LB	
1237	Appropriate funds for payment of civil action claims against the state.

BANKING, COMMERCE AND INSURANCE

LB	
454	Provide a restriction on bank holding companies.
993	Change penalty provision for failure to file reports by savings and loan associations.
994	Clarify terms when the Federal Deposit Insurance Corporation is receiver of an insolvent bank.
995	Authorize credit unions to adopt standard bylaw amendments.
996	Change provisions relating to payment of bank dividends.
997	Require insurers to file annual statements with a national association.
998	Change provisions relating to Medicare.
1075	Eliminate educational requirements for certain insurance agents.

BUILDING MAINTENANCE

LB	
1143	Create the Vacant Building Committee.

BUSINESS AND LABOR

LB	
1033	Change provisions relating to employment security eligibility.
1034	Provide duties for the Workers' Compensation Court presiding judge.
1035	Change provisions relating to employment agencies.
1036	Impose fee for delinquent unemployment payments or filings by employers.
1235	Appropriate funds for the payment of certain claims against the state.
1236	Disapprove certain claims against the state.

EDUCATION

LB	
217	Allow school districts to establish contingency funds to cover losses.
992*	Eliminate a time limit for technical community colleges to levy taxes.
1116	Provide a standardized achievement test and assessments of students.
1117*	Create an Education Technology Center within the Department of Education.
1141	Require achievement testing of students of nonaccredited schools.
1142	Provide a uniform method for designating school districts.

EXECUTIVE BOARD

LB	
788	Revisor bill to correct reference to the Federal Housing Administration.
789	Revisor bill relating to election and residency requirements.
790	Revisor bill to correct internal references to the Nebraska Juvenile Code.
791	Revisor bill to correct a reference relating to civil rights.
792	Revisor bill relating to utility service.
793	Revisor bill relating to the Nebraska Armory Board.
794	Revisor bill relating to the Nebraska Municipal Cooperative Financing Act.
795	Revisor bill to correct internal references relating banks and banking.
796	Revisor bill relating to municipalities.
797	Revisor Bill relating to the Nebraska Visitors Development Act.
798	Revisor bill relating to cities of the primary class.
799	Revisor bill relating to obsolete fees.
800	Revisor bill relating to corporations.
801	Revisor bill relating to dogs.
802	Revisor bill relating to schools.
803	Revisor bill relating to the Professional Liability Ins Availability Act.
804	Revisor bill to eliminate a fee relating to premarital examinations.
805	Revisor bill relating to an obsolete fund.
806	Revisor bill relating to obsolete county board duties.

807 Revisor bill relating to agriculture.
808 Revisor bill relating to the Commodity Code.
809 Revisor bill relating to municipalities.
810 Revisor bill relating to the Department of Public Institutions.
811 Revisor bill relating to the Policy Research Office.
812 Revisor bill relating to public meetings.
813 Revisor bill relating to public lands.
927 Change Postsecondary Education Commission references to an educational data system.

GENERAL AFFAIRS

LB
395 Require adult supervision on premises where alcohol is sold or consumed.
550 Provide power to Nebraska Liquor Control Commission and increase occupation tax.
901 Change labeling and licensing provisions for candy containing alcohol.
902 Change provisions of the Nebraska Liquor Control Act.
949 Change various provisions relating to liquor.
971 Adopt the Fire Sprinkler Act.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

LB
1080 Change provisions for persons displaced by publicly financed projects.
1166 Provide additional requirements for recall petition papers.
1167 Change provisions relating to recall procedures.

HEALTH AND HUMAN SERVICES

LB
383 Change provisions of the Nebraska Safe Drinking Water Act.
384 Extend termination date for Nebraska Regulation of Health Professions Act.
506 Adopt the Community Public Health Services Act.
1010 Exclude burial expense insurance from public assistance eligibility requirements.
1011 Change eligibility provisions relating to medical assistance.
1012* Establish a statewide AIDS program and change provisions relating to contagious diseases.
1013 Change provisions relating to the regulation of child care.

1014 Change provisions relating to the regulation of health professions.
1015 Provide for the regulation of home health aides.
1100 Change provisions relating to professional licensing.

JUDICIARY

LB

570 Change provisions relating to child support.
899 Change provisions relating to intercepted communications.
946 Eliminate certain powers of constables.
947 Change a provision relating to service of summons.
948 Change notice provisions relating to foster care court reviews.
1109 Require medical personnel to report certain burn injuries.

NATURAL RESOURCES

LB

814 Provide for the expenditure of funds for recreation road projects.

NEBRASKA RETIREMENT SYSTEMS

LB

1169 Change reporting provisions relating to the county retirement system.
1170* Change provisions relating to school retirement system funds.

REVENUE

LB

294 Change method for determining corporate and individual income tax.
1039 Change provisions relating to the motor vehicles fuels tax and records.

RULES

LB

1218* Change approval requirements for campus buildings and facilities.
1219* Change a membership provision of the Retirement Systems Committee.

TRANSPORTATION

LB	
1004	Eliminate retaliatory fees and provide trip permits for commercial vehicles.
1005	Exempt horse-drawn vehicles from Public Service Commission regulations.
1006	Change provisions relating to motor vehicles, lights and trailers.
1007	Require drivers license suspension for failure to pay traffic fines.
1032	Exempt certain leased motor carriers from Public Service Commission regulation.
1127	Increase fee for issuance of new, duplicate or replacement license plates.
1128	Change provisions relating to motor vehicle dealer franchises.

URBAN AFFAIRS

LB	
369*	Establish provisions to provide replacement property in eminent domain cases.
678	Change provisions relating to public meeting agenda and voting requirements.
981	Authorize garbage collection fees in Omaha.
LR	
21CA	Proposed constitutional amendment to authorize municipalities to use general funds for economic development.

* With others.

LEGISLATIVE BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

Agriculture

Chairperson - Rod Johnson

68	547	872	963	1158	LR10CA
103	684	874	980	1187	LR270CA
155	871	911	1067	1228	LR271CA

Appropriations

Chairperson - Jerome Warner

38	686	837	1042	1118	1204
130	717	846	1047	1144	1230
184	762	1029	1074	1145	LR1
230	764	1029A	1091	1160	LR22CA
391	770	1040	1101	1164	LR263
648	822	1041	1111	1192	LR266

Banking, Commerce and Insurance

Chairperson - R. Wiley Remmers

113	488	758	919	995	1102
191	498	815	933	996	1110
202	607	826	935	997	1114
213	664	830	938	998	1137
220	700	856	943	1021	1157
260	702	858	957	1025	1171
340	703	877	984	1057	1189
373	707	886	987	1066	1209
375	713	889	993	1075	1220
393	735	913	994	1083	1233
454	749	917			

Business and Labor

Chairperson - Timothy J. Hall

252	868	942	1036	1119	1212
519	875	1033	1069	1130	1235
863	892	1034	1096	1146	1236
864	923	1035	1099		

Education

Chairperson - Ronald E. Withem

128	435	890	979	1104	1197
158	444	891	992	1116	1200
165	520	896	1003	1117	1210
217	644	898	1028	1120	1216
232	647	904	1059	1124	1218
283	726	905	1068	1132	1225
316	823	916	1073	1139	LR247CA
326	835	926	1076	1140	LR265CA
371	841	939	1077	1141	LR268CA
402	859	940	1081	1142	LR269CA
417	860	970	1103	1193	

General Affairs

Chairperson - Patricia Morehead

295	646	852	944	1085	1214
395	724	901	945	1089	1222
421	733	902	949	1131	1232
490	757	909	960	1177	LR15CA
550	827	929	971	1198	LR252CA
628	851	941	978		

Government, Military and Veterans Affairs

Chairperson - Dennis G. Baack

52	588	853	1001	1148	1215
144	602	854	1079	1159	1219
188	612	867	1080	1166	1226
251	666	878	1082	1167	1231
271	678	922	1084	1168	LR7CA
352	716	936	1088	1174	LR248CA
362	816	961	1098	1194	LR253CA
476	828	962	1106	1203	LR257CA
477	838	974	1133	1205	LR258CA
555	847	977	1136	1206	LR261
586	850	985	1143	1213	

Health and Human Services

Chairperson - Don Wesely

76	320	517	694	966	1056
95	321	518	697	967	1060
126	350	534	760	1010	1070
190	372	542	839	1011	1087
195	384	552	861	1012	1100
229	410	556	865	1013	1123
249	418	557	869	1014	1180
256	419	620	880	1015	1185
257	466	668	881	1017	1188
259	500	691	930	1026	1224
301	506	693	948	1055	1227

Judiciary

Chairperson - Jerry Chizek

88	162	475	657	870	908
90	170	478	670	876	912
111	181	512	672	883	918
117	273	535	673	887	920
118	309	537	674	888	921
120	363	554	675	893	924
121	370	570	676	899	928
122	406	582	750	906	946
123	463	606	821	907	947

951	986	1048	1126	1172	1221
954	988	1049	1129	1173	1223
955	989	1054	1147	1176	LR246CA
956	990	1071	1149	1178	LR250CA
968	991	1107	1150	1186	LR251CA
982	1020	1108	1151	1199	LR260CA
983	1030	1109			

Natural Resources

Chairperson - Loran Schmit

124	594	766	937	1043	1092
151	641	814	950	1045	1113
238	658	817	953	1046	1181
383	705	825	964	1061	1182
445	706	831	1002	1062	1202
541	723	882	1022	1063	1217
566	751	897	1023	1078	1229
579	761	903	1031	1090	LR29

Nebraska Retirement Systems

Chairperson - Rex Haberman

57	192	651	843	879	1169
58	551	655	866	965	1170
160	578				

Revenue

Chairperson - Vard R. Johnson

86	829	895	1039	1112	1183
210	832	914	1044	1115	1184
294	834	915	1050	1121	1191
420	836	925	1053	1122	1201
457	842	952	1064	1138	1207
464	844	959	1072	1161	1234
470	845	972	1086	1162	1238
627	848	999	1094	1163	LR5CA
632	855	1018	1095	1165	LR20CA
734	873	1024	1105	1175	LR249CA
819	894				

Transportation

Chairperson - Howard A. Lamb

180	593	849	1005	1032	1125
299	611	857	1006	1037	1127
305	654	884	1007	1038	1128
377	818	885	1008	1051	1152
380	820	900	1009	1065	1179
428	824	969	1019	1093	1195
429	833	1000	1027	1097	1208
503	840	1004			

Urban Affairs

Chairperson - D. Paul Hartnett

263	625	932	976	1134	1156
351	630	934	981	1135	1190
369	862	958	1016	1153	1196
422	910	973	1052	1154	1211
621	931	975	1058	1155	LR21CA

SUMMARY OF LEGISLATION

The following table shows the final disposition

Length 60 days

Total Number of Bills Introduced, 90th Legislature 1238
Total Number of Bills Introduced, 1st Session 787
Total Number of Bills Introduced, 2nd Session 451
Total Number of Carryover Bills, 1st Session 234
Total Number of "A" Bills Introduced, 90th Legislature 125
Total Number of Carryover "A" Bills, 1st Session 25
Total Number of New "A" Bills, 2nd Session 51
Total Number of Resolutions Introduced, 90th Legislature (including CAs): 442
Total Number of Resolutions Introduced, 1st Session 245
Total Number of Resolutions Introduced, 2nd Session 197
Total Number of CA Resolutions Introduced, 90th Legislature .. 33
Total Number of CA Resolutions Introduced, 1st Session 17
Total Number of CA Resolutions Introduced, 2nd Session 16
Total Number of CA Resolutions Passed, 90th Legislature 4
Total Number of CA Resolutions Passed, 1st Session 1
Total Number of CA Resolutions Passed, 2nd Session 3
Total Number of Bills to Become Law, 2nd Session 259

Approved by Governor: (242)

38e	273A	383e	518A	664Ae	764
90	295	383A	520	666	764A
111	301	384e	537	670	766e
117	301A	384A	550e	673	766Ae
123	305	391e	551e	673A	788
130e	305A	419	551A	674	789
160e	316	419A	582	676	790
165	320	428	588e	684	791
170e	337A	429	594	693	792
180	352	435	602e	693A	793
190	362	445	606	697	794
191	369	463	625	700	795
229	370	475	630	703e	796
229A	372	478	632	705	797
249	372A	488	646	713e	798
257	375	490	657	716	799
273	377	518	664	758	800

801	838	929	980A	1042e	1126
802	838A	930	984e	1045	1127
803	842e	933	987e	1046	1130
804	845e	934	987A	1051	1136
805	854e	939	993	1054	1142
806	854Ae	940	994	1064	1146e
807	855e	940A	995	1073e	1157
808	857	943	996	1073A	1159
809	858	948	998	1077	1165
810	864e	953	1004	1078	1169
811	866e	957e	1010	1079	1170
812	871	958	1012e	1089	1174
813	872	961	1012A	1091e	1193
814	874	962	1013	1092e	1197
817	884e	963e	1013A	1093	1207e
819	890e	963Ae	1030e	1100e	1207Ae
821	893	969	1033	1100Ae	1217
826	899	970	1034	1105	1220e
828	901	973	1038	1105A	1232
833e	903	975	1039e	1106	1233e
834	909	977	1039A	1110e	1234
835e	912	978	1040e	1114	1235e
836	913e	980	1040Ae	1117	1237e
836A	927				

Line-Item Veto: (3)

1091Ae	1117A	1160e

Returned by Governor Without Approval: (16)

295A	672	1008	1103	1178	1221A
647	716A	1008A	1103A	1221	1226
647A	823e	1079A	1143A		

Passed Notwithstanding Objections of Governor: (14)

350	557	853	863A	868A	1041e
350A	557A	863	868	942	1143e
519	846				

Became Law Without Governor's Signature: (0)

Failed on Final Reading: (3)

88	1083	LR249CA

Resolution CA delivered to Secretary of State: (3)

LR7CA	LR15CA	LR248CA

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252CA Proposed constitutional amendment to establish a state lottery.
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258CA Proposed constitutional amendment to establish a compensation review commission for legislators.
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263 Request the State Treasurer to make a loan to the Oakland-Craig School District.
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269CA Proposed constitutional amendment to place the Board of Regents under direction of the Legislature.
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270CA Proposed constitutional amendment to repeal restrictions on corporate farming.
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271CA Proposed constitutional amendment to change restrictions imposed on corporate farming.
(Baack, Weihing) 434, 462, 548, 627, 734, 740, 751
272 Proclaim February 7th through the 13th as Vocational Education Week.
(Barrett) 542, 772, 773
273 Congratulate the Little Vikes Auxiliary and Vikingship Community Center.
(Lynch) 543, 563, 599
274 Recognize Newman Grove, Nebraska for 100th anniversary.
(Peterson) 688, 740, 772
275 Declare week of February 8 as Nebraska Cooperative Extension Week.
(Beyer) 727, 740, 772
276 Declare February 8-14 as Teen Pregnancy Awareness Week.
(Morehead) 728, 740, 772
277 Support the withdrawal of Initiative 300 legislation.
(Baack, V. Johnson, Weihing, Schmit, Moore, R. Johnson, Conway) 733, 740, 772
278 Express sympathy to the Michael J. Bosiljevac family.
(Abboud, Withem, Hartnett) 754, 772, 800
279 Encourage Congress to provide funding for school asbestos inspections.
(Hefner) 819, 845, 877
280 Encourage Congress to appropriate funds for Swan Creek Watershed Project.
(Coordsen, Morehead) 850, 877, 900
281 Acknowledge the contributions of Phil Kruse to the State of Nebraska.
(Higgins) 850, 900, 926
282 Commend Home Builders of Lincoln Remodelors Council for community service.
(Landis) 852, 877, 900
283 Encourage Congress to exempt agriculture from diesel fuel tax requirements.

(Coordsen, Warner, Bernard-Stevens, Rogers, Elmer, Schellpeper, Campbell, Scofield, Wehrbein) 868, 900, 926

284 Support the Colorado site proposal for the Superconducting Super Collider.
(Wesely, Scofield, Weihing, Baack, Haberman) 876, 900, 912

285 Urge the U.S. Department of Transportation to not reclassify anhydrous ammonia.
(R. Johnson) 878, 900, 925, 926

286 Interim study relating to municipal ownership and operation of utilities.
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287 Approve plans to construct a student union at Chadron State College.
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288 Interim study of the gubernatorial appointment confirmation process.
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289 Congratulate Gretna High School for State Play Production Championship.
(Beyer) 944, 1042, 1089

290 Congratulate York High School for Class B State Wrestling Championship.
(Moore) 946, 1042, 1089

291 Congratulate Centennial High School Boys for Class C wrestling title.
(Moore) 947, 1042, 1089

292 Support the Vietnam Women's Memorial Project in Washington, D.C.
(Conway) 947, 968, 1002

293 Express appreciation to Jack Payne for his contributions to sports.
(Abboud) 951, 968, 1002

294 Congratulate the Central High School Roadshow 1988-A Stage Odyssey.
(Beyer, Higgins, Goodrich, Withem) 972, 1043, 1089

295 Congratulate Betty Loudon as Nebraska Mother of the Year.
(McFarland) 1027, 1062, 1089

296 Declare 1988 as March of Dimes Fiftieth Anniversary Year.

(Pirsch, Wesely, Morehead) 1058, 1119, 1145
297 Encourage state participation in the Employment and Investment Growth Act.
(33 Senators) 1064, 1119, 1145
298 Encourage Nebraskans to carry the Uniform Organ Donor Card.
(Wesely) 1082, 1089, 1119
299 Proclaim March 1 as Teacher Recognition Day and congratulate Teachers of the Year.
(Pirsch, L. Johnson) 1090, 1119
300 Honor Governor Kay A. Orr for her contributions to the state.
(49 Senators) 1091, 1092, 1119
301 Congratulate Clay Center High School for Class D state wrestling win.
(R. Johnson) 1110, 1145, 1253
302 Commend participants and winners of the Academic Decathlon.
(Pirsch, Higgins, Ashford) 1130, 1145, 1253
303 Recognize UNL history professors for their scholastic achievements.
(Wesely) 1174, 1201, 1253
304 Designate June 11-19 as Nebraska Historical and Special Interest Automobile Recognition Week.
(Abboud) 1205, 1294, 1333
305 Honor the memory of Luella Holthaus for her concern for others' safety.
(Marsh, Smith) 1206, 1294, 1333
306 Recognize State Capitol custodial personnel for their contributions.
(Marsh) 1206, 1294, 1333
307 Congratulate Professor Robert G. Fuller for his scholastic contributions.
(Marsh) 1207, 1294, 1333
308 Commend the Syracuse-Dunbar-Avoca School Eighth Grade Chorus.
(Wehrbein) 1215, 1253, 1294
309 Congratulate Elgin girls for Class D-1 State Basketball win.
(Dierks) 1227, 1328, 1355
310 Recognize Elyria, Nebraska for 100th anniversary.
(Rogers) 1228, 1328, 1355
311 Congratulate Bruning Girls for Class D-2 State Basketball Championship.

(Coordsen) 1228, 1329, 1355
312 Congratulate Omaha Westside Girls for Class A State Swimming title.
(Goodrich, Hannibal, Ashford) 1246, 1329, 1355
313 Congratulate Ord Girls for Class B State Basketball Championship.
(Rogers) 1246, 1329, 1355
314 Congratulate Oxford Girls for Class C-2 State Basketball Championship.
(Elmer) 1253, 1329, 1354
315 Congratulate Lincoln Southeast Girls for Class A State Basketball Championship.
(Marsh) 1262, 1310, 1329, 1355
316 Commend Jerry and Kathy Kuenning for being 1988 Outstanding Young Farmers.
(Haberman) 1268, 1329, 1355
317 Congratulate Gibbon Girls for Class C-1 State Basketball Championship.
(Langford) 1281, 1329, 1355
318 Congratulate John Nogl for Rhodes Scholarship and other achievements.
(Goodrich) 1305, 1355, 1390
319 Congratulate William Howard for Hertz Fellowship and other academic awards.
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320 Urge Congress to amend the RR Revitalization and Regulatory Reform Act of 76.
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321 Commend the Hill and Holmes Elementary School choruses for their work.
(Marsh) 1308, 1355, 1362, 1390
322 Commend Dr. Robert Manley for his address to the Legislature.
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323 Extend greetings to the Henry Fonda family reunion at the Stuhr Museum.
(Nelson) 1330, 1355, 1390
324 Extend appreciation to Bill Pound for his address to the Legislature.
(Barrett) 1335, 1355, 1390
325 Congratulate Leslie Gordon for being named Nebraska Young Mother of the Year.

(Johanns) 1365, 1508, 1536
326 Congratulate Millard South Boys for Class A State Basketball title.
(Abboud, Beyer, Chizek) 1372, 2151, 2210
327 Congratulate Falls City Sacred Heart boys for Class D-1 basketball win.
(Remmers) 1372, 2151, 2210
328 Congratulate Hampton High School boys for Class D-2 basketball win.
(R. Johnson) 1388, 2151, 2210
329 Congratulate Atkinson West Holt Boys for Class C-1 State Basketball win.
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330 Recognize Bee, Nebraska for 100th anniversary.
(Moore) 1405, 2151, 2210
331 Commend York College A Capella Chorus for dedication to musical excellence.
(Moore) 1406, 2151, 2210
332 Designate May, 1988 as Motorcycle Safety Awareness Days.
(Smith) 1414, 2280
333 Congratulate Hastings College Men's Basketball team for NAIA berth.
(Smith) 1415, 2151, 2210
334 Congratulate Wahoo Boys for Class B State Basketball championship win.
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338 Congratulate Professor Dermot P. Coyne for his academic contributions.
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414 Interim study of issues relating to waste products and materials.
(Natural Resources) 1687, 1904
415 Interim study of ground water and other natural resources.
(Natural Resources) 1688, 1904
416 Interim study of energy usage issues.
(Natural Resources) 1688, 1904
417 Interim study of radioactive waste disposal liability and financial issues.
(Schellpeper, Scofield) 1696, 1904
418 Place portraits of Washington and Lincoln in the legislative chamber.
(Abboud, Peterson, Hefner) 1705
419 Encourage Special Olympics to choose Lincoln as host city for 1991 games.
(Dierks, R. Johnson, Rogers, Smith, Withem,
Beyer, Chambers, McFarland) 1706, 1790, 1837
420 Designate Highways 26 and 92 as the TRAILS WEST PARKWAY.
(Weihing, Haberman, Baack) 1710, 1791, 1837
421 Express sympathy to the Harold F. Sieck family.
(45 Senators) 1722, 1739, 1748
422 Recognize Shickley, Nebraska for 100th anniversary.

(Coordsen) 1738, 2151, 2210
423 Interim study to examine government competition with private enterprise.
(Urban Affairs) 1766, 1904
424 Congratulate the UNL College of Architecture for community service.
(Landis, Remmers, Korshoj) 1768, 2281
425 Declare the week of April 10-16 as Week of the Young Child.
(Wesely) 1886, 2010, 2071
426 Urge improvement of state educational data and evaluation systems.
(Withem, Baack) 1941, 2281
427 Request analysis of Syracuse University report by the Comprehensive Tax Study Committee.
(V. Johnson, L. Johnson, Hefner, Remmers, Warner, Scofield, Labedz) 1943, 2281
428 Support Ponca Tribe's endeavors to achieve federal restoration.
(Johanns, Nelson, Remmers, Labedz, Hefner, Conway, Schmit, Baack, Weihing, Marsh) 2034, 2281
429 Encourage observance of "Unknown Indian Day" on May 19, 1988.
(Johanns, Schmit, Weihing, Remmers) 2035, 2281
430 Recognize Bruno, Nebraska for 100th anniversary.
(Schmit, Chizek, Labedz) 2042, 2151, 2210
431 Recognize Alliance, Nebraska for 100th anniversary.
(Scofield) 2042, 2151, 2210
432 Recognize Imperial Elementary School for physical fitness achievement.
(Haberman) 2071, 2281
433 Encourage equality in reimbursement to rural hospitals through fed laws.
(Schellpeper, Lynch, Bernard-Stevens, Wesely, Beyer, Goodrich, Morehead) 2093, 2281
434 Interim study of Nebraska's role in protecting the ozone layer.
(Health and Human Services) 2093
435 Congratulate Nebraska Wesleyan University men for NCAA basketball tournament participation.
(Wesely) 2169, 2281
436 Encourage schools to adopt post-Labor Day or September 1st opening dates.

(Bernard-Stevens, Schellpeper) 2174, 2282
437 Designate week of April 17-23, 1988 as Victim Rights Week.
(Pirsch) 2178, 2281
438 Endorse "Celebrate UNO!" and encourage UNO campus visitation Apr 23-24.
(Hall) 2179, 2281
439 Congratulate the S.P.E.B.S.Q.S.A. for fiftieth anniversary.
(Coordsen) 2203, 2281
440 Congratulate Sokol South Omaha for 100th anniversary.
(Hall) 2203, 2281
441 Encourage protection of the Platte River relating to the Two Forks Dam project.
(Wesely) 2204
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Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Linda Srb, Index Clerk

LB

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21-2040.01	A	968
21-2042	A	968
21-2045	A	968
21-2046	A	968
21-2056	A	920
21-2056	A	968
21-2070	A	886
21-2071	A	886
21-2075	A	886
21-2076	A	886

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
21-2079	A	938	24-5,100	A	1231
21-2418	R	1110	24-5,101	A	946
to 21-2430			24-5,101	R	1231
23-114	A	422	24-5,103	A	1231
23-120	A	853	24-5,104	A	1231
23-135	A	1133	24-5,105	R	1231
23-143	A	1213	24-5,106	R	1231
23-144	A	1213	24-701	A	57
23-335	R	893	24-710	A	58
23-373	A	422	24-731	A	864
23-393	R	1008	24-733	A	864
23-394	R	1008	25-213	A	252
23-395	R	1008	25-213	A	864
23-396	R	1008	25-506.01	A	1223
23-922	A	802	25-530.08	A	886
23-922	A	911	25-1011	A	1030
23-1114.16	R	806	25-1011	A	1223
23-1201	A	535	25-1056	A	1030
23-1517.02	A	933	25-1223	A	1223
23-1527	A	933	25-1223	A	1231
23-1704.01	A	1231	25-1230	A	946
23-1705	A	1231	25-1230	A	1231
23-1706	A	1231	25-1232	A	946
23-1707	A	1231	25-1232	A	1231
23-1801	A	946	25-1238	A	1231
23-1801	A	1231	25-1628	A	111
23-1802	A	946	25-1806	A	864
23-1802	A	1231	25-1937	A	352
23-1803	A	946	25-21,185	A	1178
23-1803	A	1231	25-21,190	A	912
23-1811	A	946	25-2221	A	821
23-1811	A	1231	25-2221	A	909
23-2313	A	1169	27-504	A	273
23-2332	A	965	27-504	A	406
23-2409	A	918	27-504	A	406
23-2416.03	A	991	27-504	A	790
23-2419.01	A	991	28-101	A	118
23-2420	A	918	28-101	A	170
23-3101	A	828	28-101	A	181
23-3102	A	828	28-101	A	463
23-3104	A	602	28-101	A	982
23-3105	A	602	28-101	A	1147
23-3106	A	828	28-101	A	1199
23-3107	A	828	28-101	A	1214
24-313	A	352	28-105	A	675
24-319	A	864	28-105.01	R	675
24-321	A	864	28-303	A	675
24-342	A	675	28-308	A	1071
24-342	A	907	28-401	A	273
24-342.02	A	906	28-401	A	537
24-342.02	A	924	28-411	A	273
24-530	A	370	28-414	A	273
to 24-532			28-417	A	273
24-532.01	A	370	28-418	A	273
24-563	A	815	28-433	A	352
24-573	A	947	28-511	A	606
24-580	A	1231	28-518	A	121
24-593	A	1231	28-519	A	120
24-595	A	946	28-602	A	724
24-595	A	1231	28-611	A	876
24-596	A	1231	28-705	A	418
24-597	A	1231	28-705	A	419
24-598	A	1231	28-706	A	418
24-5,100	A	946	28-706	A	419

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
28-708	R	463	29-1901	A	535
28-710	A	463	29-1901	A	1223
to 28-713			29-1902	A	1223
28-715	A	463	29-1917	A	90
28-726	A	463	29-2020	A	675
28-807	A	181	29-2106	A	939
28-807	A	117	29-2204	A	790
to 28-809			29-2206	A	370
28-811	A	117	29-2260	A	790
28-812	R	117	29-2262.01	A	670
28-813	A	117	29-2403	A	946
28-902	A	1109	29-2403	A	1231
28-919	A	118	29-2412	A	370
28-921	A	118	29-2519	R	675
28-927	A	946	to 29-2525		
28-927	A	1231	29-2527	R	675
28-1101	A	724	29-2528	R	675
28-1101	A	757	29-2532	R	675
28-1101	A	1085	to 29-2536		
28-1101	A	1214	29-2537	A	750
28-1102	A	1149	29-2537	R	675
28-1105	A	724	29-2538	R	675
28-1105	A	757	29-2539	R	675
28-1105	A	1085	29-2540	R	675
28-1105	A	1214	29-2541	R	675
28-1113	A	724	29-2542	R	675
28-1113	A	757	to 29-2546		
28-1113	A	1085	29-2701	A	946
28-1113	A	1214	29-2701	A	1231
28-1213	A	893	29-2702	A	370
28-1236	A	893	29-2708	A	370
28-1241	A	893	29-2709	A	370
28-1243	R	893	29-2815	A	946
28-1247	A	893	29-2815	A	1231
28-1305	A	946	29-3205	A	675
28-1305	A	1231	30-3103	A	1021
28-1413	A	955	30-3109	A	1021
28-1417	A	1231	31-134	A	950
28-1437	A	880	31-226	A	950
28-1437	A	1100	31-409	A	541
28-1440	R	512	31-409	A	1078
to 28-1449			31-409.02	A	1078
29-119	A	535	31-735	A	1016
29-204	R	946	31-765	A	1156
29-204	R	1231	31-766	A	1155
29-205	A	946	31-1002	A	1043
29-205	A	1231	to 31-1004		
29-401	A	946	31-1017	A	1043
29-401	A	1231	to 31-1020		
29-406	A	946	31-1022	A	352
29-406	A	1231	31-1023	A	1043
29-407	A	946	31-1029	A	1043
29-407	A	1231	31-1031	A	1043
29-413	A	946	32-221	A	716
29-413	A	1231	32-223	A	1142
29-424	A	370	32-308	A	128
29-813	A	1150	32-421.01	A	128
29-1002	A	1221	32-421.01	A	911
29-1301	A	118	32-445.01	A	251
29-1401	A	676	32-464	A	946
29-1401.01	A	478	32-464	A	1231
29-1805.10	A	790	32-465	A	946
29-1822	A	750	32-465	A	1231
29-1823	A	1221	32-466	A	946

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32-466	A	1231	37-1274	A	1002
32-513	A	128	38-101	A	790
32-535	A	128	38-114	A	790
32-549	A	864	38-114	R	790
32-702	A	716	to 38-117		
32-702	A	1098	38-509	R	790
32-703	A	716	38-1001	A	790
32-703	A	1098	to 38-1010		
32-704	A	716	38-1101	A	790
32-704	A	1098	to 38-1105		
32-705	A	716	39-602	A	1065
32-705	A	1098	39-619	A	1178
32-706	A	352	39-631	A	969
32-706	A	716	39-669.07	A	377
32-706	A	1098	39-669.07	A	820
32-707	A	352	39-669.08	A	377
32-713	A	716	39-669.08	A	820
32-713	A	1098	39-669.17	A	1195
32-1221	A	946	39-669.26	A	428
32-1221	A	1231	39-669.26	A	1179
32-1401	A	1167	39-669.28	A	1195
32-1402	A	1167	39-683	A	946
32-1403	A	1166	39-683	A	1231
32-1403	A	1167	39-694	A	1065
to 32-1408			39-695	A	1065
33-110	A	1126	39-6,104	A	946
33-117	A	878	39-6,104	A	1231
33-117	A	974	39-6,122	A	1027
33-117	A	1231	39-6,132	A	1179
33-119	A	1231	39-6,134	A	1179
33-120	A	1231	39-6,138	A	1006
33-126.01	R	799	39-6,183	A	885
33-126.05	A	370	39-810	A	429
33-135.01	R	1231	39-1010	A	299
33-136	A	1231	39-1817	A	903
33-139.01	A	554	39-1818	A	903
33-150	A	557	39-2111	A	352
33-150	A	760	39-2121	A	352
33-150	A	805	39-2201	A	457
33-150	A	880	39-2201	A	632
33-150	A	1026	39-2203	A	457
35-107	A	620	39-2203	A	632
35-108	A	607	39-2205	A	632
35-508	A	1203	39-2209	A	632
35-509	A	1203	39-2211	A	632
35-513	A	1155	to 39-2214		
35-514.02	A	1159	39-2215	A	230
36-609	A	758	39-2215	A	632
37-603	A	946	39-2215	A	1152
37-603	A	1231	39-2216	A	632
37-606	A	946	39-2217	A	632
37-606	A	1231	39-2219	A	632
37-609	A	946	39-2221	A	632
37-609	A	1231	39-2222	A	632
37-713	A	832	39-2222	A	457
37-715	A	832	to 39-2224		
37-902	A	825	39-2224	A	632
37-905	A	825	39-2226	A	632
37-907	R	825	42-104	A	1126
37-909	R	825	42-121	A	928
37-913	A	946	42-121	A	1126
37-913	A	1231	42-121	A	1202
37-1202	A	1002	42-121.01	A	1202
37-1254	A	1002	42-121.01	R	804

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42-347	A	908
42-369	A	1108
42-901	A	887
42-905	A	887
42-924 to 42-926	A	887
43-104	A	790
43-105	A	790
43-107	A	372
43-109	A	372
43-113	A	372
43-119	A	372
43-129	A	372
43-2,119	A	162
43-2,129	A	1108
43-501	A	790
43-504	A	790
43-504	A	1017
43-504.01	A	1017
43-507	A	790
43-512	A	518
43-512	A	542
43-512	A	1108
43-512.02	A	1108
43-512.03	A	570
43-512.03	A	1108
43-512.07	A	570
43-512.08	A	1108
43-512.09	A	1108
43-512.10	A	1108
43-522	A	790
43-666	A	352
43-707	A	352
43-903	A	790
43-904	A	790
43-1202	A	790
43-1314	A	948
43-1406	A	1108
43-1411	A	1108
43-1701	A	570
43-1716	A	1108
43-1718 to 43-1720	A	570
43-1723	A	570
43-1726	A	1108
43-1727	A	570
43-1734	A	570
44-111.01	A	352
44-127.09	A	352
44-127.10	A	352
44-127.11	R	352
44-127.19	A	352
44-133	A	352
44-134	A	352
44-150	A	734
44-222.02	A	352
44-224.09	A	352
44-238	A	352
44-309	A	1220
44-320	A	713
44-336 to 44-336.06	R	1075
44-352	A	352
44-360	A	352
44-367	A	352
44-368	A	352
44-371	A	713
44-379	A	498
44-386.07	A	352
44-511	A	352
44-512	A	352
44-513	A	880
44-513	A	935
44-513.01	A	935
44-626	A	352
44-711	A	352
44-751	A	352
44-752	A	352
44-766	A	352
44-10,107	A	352
44-1212	A	352
44-1441	A	352
44-1485	A	352
44-1525	A	498
44-1530	A	352
44-1531	A	352
44-1620	A	220
44-1620	A	260
44-1713	A	352
44-2312	A	352
44-2401	A	373
44-2403	A	373
44-2403	A	700
44-2404	A	373
44-2406	A	352
44-2406	A	373
44-2407	A	373
44-2407	A	700
44-2410	A	373
44-2418	A	700
44-2710	A	352
44-2804	A	869
44-2851	A	352
44-2913	A	352
44-3001 to 44-3019	R	803
44-3010	A	352
44-3110	A	352
44-3278	A	352
44-3283	A	352
44-3508	A	1209
44-3601	A	998
44-3602 to 44-3604	A	998
44-3605 to 44-3610	A	998
44-3720	A	352
44-3903	A	1137
44-3904	A	1114
44-4010	A	1057
44-4027	A	352
44-4303	A	856
44-4313	A	919
44-4320	A	919
45-101.02	A	735
45-101.03	A	735
45-101.04	A	795
45-101.04	R	735

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45-137	A	735
45-138	A	735
45-150	A	352
45-151	R	352
45-152	R	352
45-1,104	A	913
45-350	A	352
45-605	A	352
45-616	A	352
46-208	A	1043
46-212.01	A	1043
46-212.02	R	1043
46-229.04	A	953
46-233.01	A	151
46-236	A	352
46-236	A	566
46-288	A	151
46-288	A	1043
46-289	A	151
46-290	A	151
to 46-292		
46-294	A	151
46-2,108	A	151
46-2,109	A	1043
46-2,119	A	953
46-503	A	1043
46-514	A	1043
46-528	A	352
46-613.01	A	151
46-615	A	1043
46-638	A	151
46-656	A	1043
46-658	A	1043
46-665	A	1043
46-669	A	352
46-673.03	A	1043
46-674.06	A	1043
46-674.15	A	352
46-677	A	151
46-685	A	352
46-701	R	1043
to 46-704		
46-805	A	352
46-1101	A	1046
46-1121	A	1046
46-1128	A	445
46-1128	A	1046
46-1146	A	352
46-1217	A	1043
46-1237	A	352
48-120	A	880
48-120	A	1069
48-128	A	1034
48-145	A	1146
48-146	A	1146
48-151	A	1069
48-152	A	868
48-153	A	868
48-162.02	A	1034
48-416	A	352
48-504	A	1035
48-507	A	1035
48-513	A	1035
48-515	R	1035
to 48-517		
48-518	A	1035
48-519	A	1035
48-521	A	1035
48-523	A	1035
48-524	A	1035
48-602	A	1033
48-627	A	1033
48-638	A	352
48-639	R	352
48-640	A	352
48-641	A	352
48-644	A	352
48-649	A	1036
48-650	A	352
48-652	A	1033
48-656	A	1036
48-660.01	A	352
48-719	A	863
48-720	A	863
48-810	A	1119
48-816	A	519
48-816	A	940
48-816	A	942
48-816	A	1119
48-837	A	764
48-840	A	764
48-841	A	764
48-842	A	764
48-1102	A	923
48-1116	A	923
48-1120	A	352
48-1202	A	1099
48-1203	A	1096
48-1229	A	1130
48-1703	A	892
49-506	A	1043
49-617	A	1043
49-801	A	946
49-801	A	1231
49-1401	A	188
49-1402	A	188
49-1403	A	188
49-1446	A	1136
49-1446.01	A	1136
49-1446.01	A	1174
49-1446.03	R	555
49-1447	A	555
49-1449	A	555
49-1450	A	555
49-1451	R	555
49-1455	A	1136
49-1462	A	555
49-1463	R	555
49-1469	A	1136
49-1484	A	555
49-1490	A	1174
49-14,118	A	555
49-14,123	A	188
49-14,123	A	555
49-14,124	R	555
to 49-14,126		
49-14,131	A	352
50-416	R	1219

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50-417	A	1219
51-411	A	802
51-412	A	802
51-417	A	802
52-125	A	951
52-202	A	943
52-501	A	943
52-504	A	943
52-701	A	943
52-702	A	943
52-902	A	943
52-905	A	943
52-1001 to 52-1004	A	933
52-1006	A	933
52-1007	A	933
52-1008	A	933
52-1102	A	943
52-1104	A	943
52-1202	A	943
52-1312	A	943
52-1315	A	943
52-1402	A	943
52-1407	A	943
52-1409	A	943
53-101	A	852
53-101	A	901
53-101	A	902
53-101	A	944
53-101	A	949
53-101	A	1089
53-101	A	1177
53-102	A	395
53-102	A	949
53-103	A	490
53-103	A	852
53-103	A	901
53-103	A	902
53-103	A	944
53-103	A	949
53-103	A	1089
53-103	A	1177
53-113	A	864
53-114	A	902
53-115	A	902
53-117	A	902
53-117.03	A	949
53-117.04	A	949
53-122	A	902
53-123	A	1089
53-123.04	A	902
53-123.04	A	949
53-123.12	A	902
53-123.12	A	949
53-124	A	902
53-124	A	949
53-124	A	1089
53-124.11	A	490
53-124.11	A	941
53-125	A	852
53-125	A	949
53-129	A	902
53-130	A	949
53-130	A	1089
53-131	A	550
53-131	A	949
53-131	A	1089
53-132	A	902
53-133	A	550
53-133	A	902
53-134	A	550
53-134	A	902
53-134	A	949
53-135	A	949
53-135.01	A	949
53-138.01	A	902
53-138.01	A	949
53-138.01	A	1089
53-138.02	A	949
53-138.02	A	1089
53-140	A	1089
53-140.01	A	949
53-144	A	1089
53-146	A	1089
53-147	A	1089
53-159	A	902
53-159	A	949
53-159	A	1089
53-160	A	550
53-160	A	901
53-160	A	902
53-160	A	949
53-160.01	A	628
53-166	A	1089
53-168	A	945
53-168	A	949
53-168.01	R	949
53-168.05	A	949
53-169	A	1089
53-169.01	A	1089
53-171	A	902
53-171	A	1089
53-174	A	902
53-174	A	949
53-175	A	902
53-175	A	949
53-177	R	949
53-179	A	949
53-179	A	1177
53-180	A	851
53-180.04	A	944
53-180.05	A	851
53-183	A	949
53-185	A	1089
53-186.01	A	949
53-188	A	1089
53-194.03	A	949
53-197	A	946
53-197	A	1231
53-1,116	A	352
53-1,116	A	902
53-1,116	A	978
54-201	A	943
54-205	A	1231
54-208	A	943
54-209	A	943
54-304	A	1231
54-608 to 54-611	A	630

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54-610	A	801	60-318	A	305
54-611	A	801	60-326.01	A	1037
54-613	A	630	60-329	A	823
54-613	A	801	60-330	A	1006
54-705	A	946	60-331	A	1208
54-705	A	1231	60-334	A	1006
54-861	A	352	60-344	A	305
54-1160	A	103	60-401	A	891
54-1170	A	352	60-401	A	1007
54-1348	A	103	60-401	A	1008
54-1703	A	103	60-401	A	1065
54-1706	A	352	60-402	A	891
54-1707	A	352	60-403	A	716
54-1905	A	352	60-403	A	1108
54-2001	A	103	60-403.01	A	1152
54-2112	A	1158	60-406.04	A	1008
55-131.01	R	793	60-407	A	1008
57-605	A	352	60-407	A	1093
57-705	A	627	60-407	A	1097
57-905	A	964	60-409	A	1152
57-913	A	352	60-409.11	A	352
58-201	A	1031	60-411	A	1008
58-201	A	1083	60-411	A	1097
58-207	A	1083	60-411.01	A	1008
58-209.01	A	749	60-415	A	1008
58-219	A	749	60-417	A	1008
58-239	A	658	60-420	A	352
58-239	A	707	60-501	A	1065
58-239	A	1031	60-503	A	352
58-239.01	R	658	60-549	A	1051
58-242	A	707	60-578	A	1102
58-401	A	1171	60-1001	A	724
to 58-404			60-1401.02	A	1128
58-413	A	1171	60-1404	A	1125
58-435	A	1171	60-1411.03	A	1128
58-439	A	1171	60-1411.04	A	1128
59-1516	A	352	60-1415	A	352
60-106	A	305	60-1420	A	1128
60-109	A	946	60-1430	A	1128
60-109	A	1231	60-1435	A	352
60-110	A	305	60-1440	A	1128
60-110	A	1009	60-2001	A	1186
60-111	A	305	60-2004	A	1186
60-112	A	305	60-2009	A	1186
60-113	A	305	60-2009.01	A	1186
60-114	A	857	60-2010.02	A	1186
60-115	A	305	60-2013	A	1186
60-124	A	352	60-2016	A	1186
60-301	A	900	60-2018.01	A	1186
60-301	A	1006	60-2101.01	A	1065
60-301	A	1065	60-2102	A	1065
60-302	A	305	60-2103	A	1065
60-302.03	A	1038	60-2105	A	1065
60-305.01	A	1006	to 60-2108		
60-305.02	A	1004	60-2120	A	1152
60-305.03	A	1004	60-2121	A	1152
60-305.09	A	1004	60-2124	A	1152
60-305.09	A	1208	60-2132	R	1152
60-311	A	1127	60-2133	A	1152
60-311.04	A	824	to 60-2135		
60-311.05	A	1038	60-2136	R	1152
60-311.07	A	1038	60-2138	A	1152
60-315	A	305	60-2140	R	1152
60-315	A	833	60-2141	R	1152

SECTION	REPEAL OR AMEND	BILL
60-2304	A	857
60-2801	A	1065
to 60-2807		
60-2802	A	840
62-301	A	909
63-164.01	A	949
64-108	A	1231
66-401	A	1039
66-408	A	1039
66-410	A	1039
66-424	A	632
66-452	A	749
66-473	A	632
66-473	A	1039
66-477	A	1039
66-478	A	1039
66-633	A	836
66-1105	A	1043
66-1301	A	658
to 66-1304		
66-1306	A	658
66-1307	A	658
66-1307	A	751
66-1307	A	1217
66-1308	R	658
to 66-1314		
66-1317	A	1217
66-1317	R	658
to 66-1325		
66-1321	A	1217
66-1322	A	1217
66-1323	A	1217
67-233	A	886
to 67-236		
67-237	R	886
67-240	A	886
to 67-258		
67-260	A	886
to 67-265		
67-267	A	886
67-269	A	886
to 67-274		
67-276	A	886
67-278	A	886
to 67-281		
67-283	A	886
to 67-286		
67-288	A	886
67-289	A	886
67-292	R	886
67-293	A	886
to 67-296		
67-297	R	886
68-104	A	466
68-126	A	466
68-129	A	1010
68-132	A	881
68-137	A	881
68-139	A	881
68-150	A	418
68-150	A	419
68-214	A	418
68-214	A	419
68-621	A	802
68-625	A	802
68-627	A	802
68-628	R	802
68-716	A	418
68-716	A	419
68-1020	A	1011
68-1026	A	418
68-1026	A	419
68-1034	A	352
68-1509	A	418
68-1509	A	419
69-1301	R	815
to 16-1329		
69-1320	A	352
69-1501	A	826
70-408	A	238
70-625	A	937
70-655	A	1229
70-671	A	579
70-806	A	352
70-807	A	352
70-1021	R	641
70-1022	R	641
71-101	A	552
71-101	A	557
71-101	A	760
71-101	A	880
71-101	A	1026
71-101	A	1100
71-101.02	R	1100
71-102	A	557
71-102	A	760
71-102	A	880
71-102	A	1026
71-107	A	557
71-107	A	760
71-107	A	880
71-107	A	1026
71-110	A	557
71-110	A	760
71-110	A	880
71-110	A	1026
71-110	A	1100
71-112	A	557
71-112	A	760
71-112	A	880
71-112	A	1026
71-113	A	557
71-113	A	760
71-113	A	880
71-113	A	966
71-114	A	1100
71-116	A	1026
71-116	A	1100
71-121	A	1100
71-131	A	557
71-131	A	880
71-131	A	1026
71-131	A	1100
71-133	A	1100
71-134	R	1100
to 71-134.03		
71-139	A	880
71-139.01	A	1100

SECTION	REPEAL OR AMEND	BILL
71-147	A	1100
71-148	A	273
71-148	A	557
71-148	A	750
71-148	A	1026
71-149	A	1100
71-150	A	1100
71-154	A	1231
71-155	A	1100
71-155.01	R	1100
71-155.02	R	1100
71-159	A	352
71-161	R	352
71-161.01	A	1026
71-161.03	A	1100
to 71-161.05		
71-161.06	A	1231
71-161.07	A	352
71-161.07	A	1100
71-161.08	R	1100
71-161.16	A	352
71-162	A	557
71-162	A	760
71-162	A	880
71-162	A	966
71-162	A	1026
71-163	A	1100
71-174	A	880
71-175	A	1100
71-178	A	880
71-179	A	1100
71-180.01	R	1100
to 71-180.05		
71-183.02	A	552
71-185	A	1100
71-192	R	1100
71-193.04	A	1100
71-193.25	A	1100
71-193.31	A	1100
71-195	A	1100
71-198	A	1100
71-1,103	A	880
71-1,104	A	1180
71-1,104	A	1224
71-1,104.05	A	352
71-1,107.23	A	352
71-1,132.05	A	880
71-1,132.06	A	880
71-1,132.07	A	1100
71-1,132.08	A	1100
71-1,132.20	A	1100
71-1,132.29	A	1100
71-1,135.02	A	1100
71-1,136.03	A	1100
71-1,138	A	880
71-1,142	A	1100
71-1,147.03	A	1100
to 71-1,147.08		
71-1,147.09	A	1100
71-1,147.10	A	1100
71-1,147.11	A	1231
71-1,147.12	A	352
71-1,147.12	A	1100
71-1,147.31	A	352

SECTION	REPEAL OR AMEND	BILL
71-1,151	R	1100
71-1,153	A	1100
to 71-1,155		
71-1,157	A	1100
71-1,158	A	1100
71-1,160	A	1100
to 71-1,163		
71-1,164	R	1100
71-1,165	A	352
71-1,165	R	1100
71-1,167	R	1100
71-1,175	A	1188
71-1,177	R	1100
71-1,178	A	1100
71-1,179	R	1100
71-1,180	A	1100
71-1,182	R	1100
71-1,183	A	1100
71-1,186	A	1100
71-1,190	A	1100
71-1,194	A	1100
71-1,195.01	A	1100
71-1,195.02	A	1100
71-1,195.03	A	1100
to 71-1,195.09		
71-1,197.01	R	1100
71-1,211	A	1100
71-1,212	A	1100
71-1,215	R	1100
to 71-1,217		
71-1,223	A	1100
to 71-1,225		
71-1,232	A	1100
71-1,233	A	1100
71-1,240	A	880
71-1,262	A	1100
71-1,266	A	966
71-1,267	A	966
71-1,268	A	966
to 71-1,270		
71-1,271	A	966
71-1,272	A	966
71-1,274	A	966
71-1,275	A	966
71-1,276	R	966
71-1,277	A	966
71-1,277	A	1100
71-235	A	352
71-502	A	1012
71-503.01	A	1012
71-505	A	1012
71-506	A	1012
71-521	A	1202
71-626.01	A	372
71-647	A	1202
71-1101	A	1012
71-1102	A	1012
71-1103	R	1012
to 71-1106		
71-1104	R	1100
to 71-1106		
71-1107	R	1012
71-1107	R	1100
71-1108	R	1012
to 71-1110		

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
71-1108	R	1100	71-2621	A	1202
to 71-1110			71-2701	A	1026
71-1111	R	1012	71-2702	A	880
71-1111	R	1100	71-2702	A	1026
71-1112	R	1012	71-2703	R	1026
71-1112	R	1100	71-2704	R	1026
71-1114	R	1012	71-2704.01	R	1026
71-1114	R	1100	71-2705	A	1026
71-1115	R	1012	71-2706	R	1026
71-1115	R	1100	71-2707	R	1026
71-1116	A	1012	to 71-2714		
71-1116	A	1202	71-2712	A	1026
71-1117	A	1012	71-2715	R	1026
71-1118	R	1012	71-2716	R	1026
71-1121	A	1012	71-2717	R	1026
71-1330	A	1100	71-2718	R	1026
71-1331	A	1100	71-2719	A	352
71-1332	A	1100	71-2719	R	1026
71-1333	A	1100	71-2802	A	880
71-1334	A	1231	71-2803	A	1100
71-1334	R	1100	71-2803.01	A	1100
71-1335	A	352	71-2804	A	1100
71-1335	R	1100	71-2806	R	1100
71-1345	A	1100	71-2807	A	1100
71-1567	A	352	71-2813	R	1100
71-1637	A	1087	71-2814	A	1100
71-1724	A	1100	71-2817	A	352
71-1725	A	352	71-2818	R	1100
71-1761	A	352	71-3201	R	985
71-1902	A	930	to 71-3204		
71-1903	A	930	71-3205	R	985
71-1904	A	1013	71-3206	R	985
71-1911	A	1013	to 71-3213		
71-1915	A	1013	71-3211	A	352
71-1916	A	352	71-3505	A	352
71-2017.01	A	259	71-3507	A	352
71-2017.02	R	1055	71-3710	A	1100
71-2017.05	R	259	to 71-3712		
71-2023	A	249	71-4401	A	1188
71-2023	A	1056	71-4403	A	1188
71-2024	A	694	71-4609	A	352
71-2027	A	352	71-4626	A	352
71-2033	A	694	71-4630	A	352
71-2034	A	694	71-4631	A	352
71-2036	A	694	71-4701	A	1100
to 71-2038			71-4702	A	1100
71-2041.01	A	259	71-4704	A	1100
71-2041.01	A	693	71-4706	A	1100
71-2042	A	693	71-4707	A	1100
71-2045.01	A	693	71-4708	A	1100
to 71-2045.03			71-4710	A	1100
71-2045.02	A	352	to 71-4712		
71-2045.05	A	693	71-4712	A	352
to 71-2045.07			71-4713	R	1100
71-2050	A	190	71-4714	A	1100
to 71-2052			to 71-4716		
71-2052	A	463	71-4718	A	1100
71-2506	A	352	71-4719	A	1100
71-2512	A	1012	71-5002	A	195
71-2512	A	1100	71-5004	A	195
71-2609	A	1227	71-5009	A	195
71-2618	A	1202	71-5009	A	320
71-2619	A	1202	71-5027	A	195
71-2620	R	1202	71-5101	A	865

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
71-5102	A	865	71-5858	A	1087
71-5108	A	76	71-5859	A	410
71-5110	A	865	71-5859	A	1087
71-5111	A	620	71-5860	R	1087
71-5111	A	865	to 71-5862		
71-5113	A	352	71-5860	R	410
71-5113	A	865	to 71-5866		
71-5301	A	383	71-5863	A	1087
to 71-5303			71-5864	R	1087
71-5303	A	352	71-5865	A	1087
71-5306	A	383	to 71-5867		
71-5306	A	1202	71-5866	A	352
71-5309	A	383	71-5867	A	410
71-5310	A	383	71-5907	A	352
71-5313	A	383	71-6009	A	190
71-5313	A	1043	71-6031	A	352
71-5407	A	1100	71-6038	A	190
71-5502	A	865	71-6039	A	463
71-5508	A	865	71-6105	A	1100
71-5511	A	620	71-6111	A	1100
71-5513	A	620	71-6114	A	1100
71-5517	A	352	71-6115	A	1100
71-5518	A	865	71-6201	A	1014
71-5609	A	1185	71-6203	A	1014
71-5701	A	95	71-6217	A	1014
to 71-5703			71-6221	A	1014
71-5707	A	95	to 71-6226		
71-5709	A	95	71-6228	A	1014
to 71-5711			71-6230	A	384
71-5713	A	95	71-6230	A	1014
71-5801	A	410	71-6301	A	1060
71-5801	A	1087	to 71-6307		
71-5804	A	1087	71-6308	R	1060
71-5805.01	A	1087	71-6309	A	1060
71-5810	A	1087	71-6310	A	352
71-5813	A	1087	71-6310	A	1060
71-5821.01	A	1087	71-6312	A	1060
71-5823	A	1087	to 71-6314		
71-5828	A	1087	71-6314	A	352
to 71-5831			72-109	R	813
71-5832.02	R	1087	72-224.03	A	352
71-5834	A	410	72-240.08	A	911
71-5834	A	1087	72-240.09	A	911
71-5835	A	1087	72-240.19	A	352
71-5836	A	410	72-419	A	864
71-5836.01	A	1087	72-420	A	864
71-5837	A	1087	72-1119	A	646
71-5838	A	410	72-1237.01	A	802
71-5838	A	1087	72-1237.01	A	1043
71-5840	R	1087	72-1263	A	749
71-5841	A	1087	74-1310	A	1161
71-5842	A	410	74-1320	A	1162
71-5842	A	1087	74-1320	R	1161
to 71-5844			to 74-1322		
71-5844	A	410	74-1401	A	1161
71-5844.01	A	410	74-1402	A	1161
71-5844.01	R	1087	74-1404	A	1161
71-5845	A	1087	74-1407	A	1161
71-5846	R	1087	74-1408	A	1161
71-5847	R	1087	74-1414	A	1161
71-5848	A	1087	74-1415	A	1161
71-5849	A	410	74-1417	A	1161
71-5850	R	1087	74-1422	A	1161
71-5858	A	410	74-1425	A	1161

SECTION	REPEAL OR AMEND	BILL
74-1427	A	1161
75-104	A	864
75-109	A	380
75-109	A	1005
75-128	A	380
75-130	A	1231
75-302	A	1032
75-303	A	1032
75-322.01	A	1032
75-334	A	946
75-334	A	1231
75-363	A	884
75-364	A	884
75-604	A	380
75-609	A	380
76-107	A	657
76-122	A	657
76-2,104	A	657
76-544	A	1137
76-552	A	352
76-908	A	352
76-1002	A	984
76-1201 to 76-1204	A	1080
76-1205	R	1080
76-1206 to 76-1208	A	1080
76-1209	R	1080
76-1211 to 76-1213	A	1080
76-1212	A	352
76-1446	A	1231
77-112	A	844
77-201	A	844
77-202	A	86
77-202	A	855
77-202.03	A	1115
77-202.07	A	352
77-362.01	R	420
77-378	A	352
77-393	A	352
77-394	R	352
77-425	A	352
77-508.01	A	1207
77-612	A	352
77-619	A	1165
77-620	A	1165
77-907	A	855
77-911	A	352
77-1214	A	1231
77-1220	R	86
77-1238	A	305
77-1238	A	802
77-1239.01	A	352
77-1240	A	305
77-1240.01	A	305
77-1240.03	A	305
77-1240.03	A	833
77-1241	R	305
77-1241.02 to 77-1241.04	R	305
77-1241.06 to 77-1241.08	R	305
77-1241.09	A	305
77-1301	A	1094
77-1301.16	A	352
77-1303	A	842
77-1344	A	844
77-1358	A	1207
77-1358	R	844
77-1359	A	844
77-1359	A	1207
77-1361	A	844
77-1362	A	844
77-1362	A	1207
77-1363	A	1207
77-1364	A	1207
77-1364	R	844
77-1365	R	844
77-1367	A	844
77-1368	R	844
77-1503.01	A	1207
77-1506.02	R	1207
77-1506.03	R	1207
77-1601	A	466
77-1619 to 17-1621	A	983
77-1623	A	983
77-1716	A	925
77-1734.01	A	819
77-1775	A	352
77-1776	A	819
77-1803	A	831
77-2004	A	845
77-2006	A	845
77-2101.01	A	1044
77-2103	A	1044
77-2104	A	1044
77-2106.01	A	1044
77-2108	A	1044
77-2205	A	252
77-2205	A	864
77-2318.01	A	1025
77-2326.01 to 77-2326.04	A	370
77-2326.04 to 77-2326.08	A	1025
77-2326.07 to 77-2326.09	A	370
77-2350	A	802
77-2350.01	A	802
77-2350.02	A	802
77-2352	A	802
77-2363	A	802
77-2406	A	864
77-2407	A	352
77-2407	R	864
77-2409	A	864
77-2410	A	864
77-2412	A	864
77-2416	A	864
77-2602	A	1029
77-2701	A	294
77-2701	A	999
77-2701	A	1201
77-2701.01	R	294
77-2702	A	873
77-2702	A	972

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
77-2702	A	1138	77-3513	A	1163
77-2702	A	1184	77-3514	A	834
77-2702	A	1191	77-3514	A	1105
77-2702	A	1018	77-3520	A	1175
to 77-2704			77-3906	A	1053
77-2703	A	305	77-4101	A	1072
77-2703	A	1184	77-4101	A	1234
77-2704	A	749	77-4103	A	1072
77-2704	A	848	77-4103	A	1234
77-2704	A	894	77-4104	A	1072
77-2704	A	972	77-4104	A	1234
77-2704	A	1050	77-4105	A	1122
77-2704	A	1112	77-4105	A	1234
77-2704	A	1201	77-4107	A	1234
77-2705	A	1018	77-5517	A	352
77-2705	A	1184	79-101	A	1197
77-2708	A	749	79-102	A	940
77-2715	A	294	79-102.01	A	940
77-2715	A	749	79-102.01	R	326
77-2715.01	A	130	79-102.02	R	326
77-2715.02	A	1024	79-201	A	841
77-2715.02	A	1121	79-311	A	128
77-2715.07	A	914	79-312.01	A	1142
77-2715.07	A	1171	79-317	A	128
77-2715.07	A	1201	79-320.01	A	128
77-2716	A	915	79-321.01	A	802
77-2716.01	A	860	79-321.03	A	1103
77-2716.01	A	895	79-328	A	940
77-2719	R	294	79-328	A	1116
77-2721	A	294	79-328	A	1141
77-2730	A	294	79-401	A	1142
77-2732	A	294	79-402	A	444
77-2733	A	294	79-402	A	940
77-2734.02	A	294	79-402	R	726
77-2734.03	A	749	79-402.03	A	726
77-2734.03	A	914	79-402.03	A	940
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Gretna High School for Class B State Championship Play Production: congratulate(Beyer)..... 289LR
Historical Society, Nebraska State: interim study(Chambers, Baack, Conway, Wesely)..... 409LR
Lincoln Hill and Holmes Elementary Schools: commend their choruses for participation in "Music In Our Schools Month"(Marsh, Johanns)..... 321LR
Omaha Central High School production of Roadshow 1988-A Stage Odyssey: congratulate participants(Beyer, Higgins, Goodrich, Withem)..... 294LR

LR

Portraits of Washington and Lincoln: request their placement in the legislative chamber(Abboud, Peterson, Hefner)..... 418LR
Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America: congratulate for 50th anniversary (Coordsen)..... 439LR
Syracuse-Dunbar-Avoca School Eighth Grade Chorus: commend for its participation in "Music In Our Schools Month"(Wehrbein)..... 308LR
York College A Capella Chorus: commend for their dedication and participation in "Music In Our Schools Month"(Moore)..... 331LR

ASBESTOS

School inspections: encourage Congress to provide adequate funding for asbestos inspections of schools(Hefner)..... 279LR

ATHLETICS

Atkinson West Holt High School boys for Class C-1 state basketball title: congratulate(Dierks)..... 329LR
Bruning High School girls for Class D-2 state basketball title: congratulate(Coordsen)..... 311LR
Centennial High School boys for Class C state wrestling title: congratulate(Moore)..... 291LR
Clay Center High School boys for Class D state wrestling title: congratulate(R. Johnson)..... 301LR
Elgin High School girls for Class D-1 state basketball title: congratulate(Dierks)..... 309LR
Falls City Sacred Heart High School boys for Class D-1 state basketball title: congratulate(Remmers)..... 327LR
Gibbon High School girls for Class C-1 state basketball title: congratulate(Langford)..... 317LR
Hampton High School boys for Class D-2 state basketball title: congratulate(R. Johnson)..... 328LR
Hastings College Men's basketball team: congratulate for earning a berth in the NAIA tournament(Smith)..... 333LR
Imperial Elementary School: recognize for Nebraska Presidential Fitness Award(Haberman)..... 432LR
Larsen, John: commend for his dedication to Lincoln Southeast High School girls basketball team(Marsh)..... 315LR
Lincoln Southeast High School girls for Class A state basketball title: congratulate(Marsh)..... 315LR
Little Vikes Auxilliary: congratulate for its contributions to Omaha and eastern Nebraska communities(Lynch)..... 273LR
McCormick, John: congratulate for his athletic and scholastic accomplishments(Withem, Hartnett)..... 259LR
Millard South High School boys for Class A state basketball title: congratulate(Abboud, Beyer, Chizek)..... 326LR
Omaha Creighton Prep for Class A state football title: congratulate(Abboud, Hartnett)..... 255LR
Omaha Westside High School girls for Class A state swimming title: congratulate(Goodrich, Hannibal, Ashford)..... 312LR
Ord High School girls for Class B state basketball title: congratulate(Rogers)..... 313LR
Oxford High School girls for Class C-2 state basketball title: congratulate(Elmer)..... 314LR
Payne, Jack: express appreciation for his contributions to local and regional sports(Abboud)..... 293LR
Soccer Federation, United States: support efforts to bring the 1994 World Cup to the United States(Barrett)..... 256LR
Sokol South Omaha: congratulate for 100 years of service(Hall)... 440LR
Special Olympics: encourage selection of Lincoln as host city for the 1991 Summer Games(Dierks, R. Johnson, Rogers, Smith, Withem, Beyer, Chambers, McFarland)..... 419LR
Wahoo High School boys for Class B state basketball title: congratulate(Schmit)..... 334LR

LR

Wesleyan University, Nebraska: congratulate for participation in the NCAA National Basketball Tournament(Wesely)..... 435LR
York High School boys for Class B state wrestling title: congratulate(Moore)..... 290LR

ATKINSON, NEBRASKA
Atkinson West Holt High School boys for Class C-1 state basketball title: congratulate(Dierks)..... 329LR

ATTORNEY GENERAL
Energy overcharge: request Attorney General to delay disbursement of funds until procedure is established(Warner, Hartnett, L. Johnson)..... 1LR
Opinions: interim study of the current system by which opinions are requested by legislators and rendered by the AG(Withem, Korshoj)..... 392LR

ATTORNEYS
Bar Association, Nebraska State: interim study relating to membership and examination requirements(Chizek, Korshoj, Nelson, Chambers, Abboud, Conway, McFarland, Pirsch, Ashford, Hall)..... 380LR

AVOCA, NEBRASKA
Syracuse-Dunbar-Avoca School Eighth Grade Chorus: commend for its participation in "Music In Our Schools Month"(Wehrbein)..... 308LR

BANKS AND BANKING (See also Financial Institutions; Commonwealth)
Commonwealth: interim study to review new information and developments(Wesely, McFarland, Landis, Marsh, Warner)..... 410LR
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)..... 10CA

BAR ASSOCIATION, NEBRASKA STATE
Membership and examination requirements: interim study(Chizek, Korshoj, Nelson, Chambers, Abboud, Conway, McFarland, Pirsch, Ashford, Hall)..... 380LR

BARBERSHOP QUARTETS
Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America: congratulate for 50th anniversary (Coordsen)..... 439LR

BAYARD, NEBRASKA
Anniversary: recognize for 100th(Baack)..... 341LR

BEE, NEBRASKA
Anniversary: recognize for 100th(Moore)..... 330LR

BIDS AND BIDDING
County Purchasing Act: interim study(Baack, Hannibal)..... 361LR

BIRTH
Teen Pregnancy Awareness Week: declare for the week of February 8-14(Morehead)..... 276LR

BOARDS AND COMMISSIONS
Compensation Review Commission: establish(38 Senators)..... 258CA
Corn Development, Utilization, and Marketing Board: encourage development of shelled corn as a boiler fuel(Dierks, Hefner)..... 29LR
Gaming commission to regulate gambling: interim study (General Affairs Committee)..... 366LR
Nebraska State Colleges Board of Trustees: approve resolution to construct a student union at Chadron State College (Appropriations Comm.)..... 287LR

Public Service Commission: interim study relating to the administration of the Public Service Commission (Transportation Committee)..... 383LR
Wheat exports: support the clean grain marketing efforts of commodity development boards and other grain marketing entities (Schmit, Warner)..... 267LR

BOILERS
Kruse, Phil: acknowledge the service, knowledge and expertise Mr. Kruse has contributed to the State(Higgins)..... 281LR
Stationary engineers: interim study to license stationary engineers to ensure safe boiler operations(Lynch)..... 400LR

BRUNING, NEBRASKA
High School girls for Class D-2 state basketball title: congratulate(Coordsen)..... 311LR

BRUNO, NEBRASKA
Anniversary: recognize for 100th(Schmit, Chizek, Labedz)..... 430LR

BUILDINGS
Codes: interim study to establish penalties for standard code violations(Withem, Hartnett)..... 376LR

BURR, NEBRASKA
Anniversary: recognize for 100th(Remmers)..... 349LR

BUSINESSES
Employment and Investment Growth Act: encourage state participation(33 Senators)..... 297LR
Fringe benefit funds: interim study to examine funds created by collective bargaining between private employers and employees (Business and Labor Committee)..... 344LR
Minimum wage: interim study relating to the impact of LB 474 (1987), which increased the state minimum wage law(Coordsen, Hall, Johanns, Korshoj)..... 371LR
Research and Development Authority: interim study(Haberman)..... 350LR

CENTENNIAL, NEBRASKA
High School boys for Class C state wrestling title: congratulate (Moore)..... 291LR

CHARITABLE AND FRATERNAL SOCIETIES
Jaycees, Nebraska: commend Jerry and Kathy Kuenning for being U.S. Jaycees Outstanding Young Farmers for 1988(Haberman)..... 316LR
Mothers Association, Nebraska: congratulate Leslie Gordon for being named Nebraska Young Mother of the Year(Johanns)..... 325LR
Optimists Club, Nebraska District: express gratitude for support of the Academic Decathlon(Pirsch, Higgins, Ashford)..... 302LR
Sokol South Omaha: congratulate for 100 years of service(Hall)... 440LR
Vikingship Community Center and the Little Vikes Auxilliary: congratulate for their contributions to the community(Lynch)..... 273LR

CHILDREN (See also Infants)
Child care: interim study(Wesely)..... 395LR
Foster care and placement in public and private institutions: interim study(Moore)..... 403LR
Juvenile court: interim study(Bernard-Stevens)..... 388LR
Juvenile Justice and Delinquency Prevention Act: interim study to analyze Nebraska's participation in the federal act(Nelson)... 397LR
Teen Pregnancy Awareness Week: declare for the week of February 8-14(Morehead)..... 276LR
Teen pregnancy: interim study(Morehead, Wesely, Bernard-Stevens). 375LR

LR

Week of the Young Child: declare for the week of April 10-16 (Wesely)..... 425LR

CITIES AND VILLAGES: LAWS APPLICABLE TO ALL
Codes: interim study to establish penalties for standard code violations(Withem, Hartnett)..... 376LR
Economic development: authorize use of general funds (Urban Affairs Comm.)..... 21CA
Programs and services, new: require Legislature to fund(Hefner).. 22CA

CLAY CENTER, NEBRASKA
High school boys for Class D state wrestling title: congratulate (R. Johnson)..... 301LR

COLLECTIVE BARGAINING
Fringe benefit funds: interim study to examine funds created by collective bargaining between private employers and employees (Business and Labor Committee)..... 344LR
State Code Agencies Education Association: urge cooperation to accept the terms of employment established by the Special Master (Withem)..... 335LR
State Employees Collective Bargaining and Industrial Relations Acts: interim study(Business and Labor Committee)..... 343LR

COMMONWEALTH
Interim study to review new information and developments(Wesely, McFarland, Landis, Marsh, Warner)..... 410LR

COMPUTERS
Elementary and secondary school system data analysis systems: interim study(Withem)..... 389LR

CONGRESS
Asbestos inspections: encourage Congress to provide adequate funding for asbestos inspections of schools(Hefner)..... 279LR
Commercial Motor Vehicle Safety Act of 1986: interim study (Transportation Committee)..... 384LR
Diesel fuel tax: encourage Congress to exempt agriculture from diesel fuel tax requirements(Coordsen, Warner, Bernard-Stevens, Rogers, Elmer, Schellpeper, Campbell, Scofield, Wehrbein)..... 283LR
Floods: encourage Congress to appropriate funds for the construction of the Swan Creed Watershed Project in DeWitt (Coordsen, Morehead)..... 280LR
Railroad Revitalization and Regulatory Reform Act of 1976: urge Congress to amend(Revenue Committee, Bernard-Stevens, Warner, Scofield)..... 320LR
Rural hospitals: encourage the Nebraska congressional delegation to continue efforts to provide equality in reimbursement (Schellpeper, Lynch, Bernard-Stevens, Wesely, Beyer, Goodrich, Morehead)..... 433LR
Superconducting Super Collider: encourage the Nebraska Congressional delegation to support the Colorado site proposal (Wesely, Scofield, Weihing, Baack, Haberman)..... 284LR
Vietnam Women's Memorial Project: encourage support(Conway)..... 292LR

CONSERVATION (See also Natural Resources)
Soil and water conservation: interim study (Natural Resources Committee)..... 413LR
Two Forks Dam project: encourage protection of the Platte River by alerting officials to the potential damage due to Two Forks (Wesely)..... 441LR

CONSTITUTION
Agricultural land: establish separate classification for tax purposes(R. Johnson, Lamb, Moore, Wehrbein)..... 249CA

Cities and villages: authorize use of general funds for economic development purposes(Urban Affairs Comm.)..... 21CA
Constitutional offices: provide for vacancy(Chambers)..... 260CA
Corporate farming: change restrictions(Baack, Weihing)..... 271CA
Corporate farming: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Corporate farming: repeal restrictions(Baack, Weihing)..... 270CA
Elective offices: declare elective offices vacant following felony conviction of officeholders(Hefner)..... 246CA
Highway construction: limit certain taxes(Hartnett)..... 20CA
Horse racing: authorize interstate and intrastate simulcasting and expanded wagering at certain licensed tracks(V. Johnson)..... 15CA
Initiative and referendum: change signature requirements from electors to registered voters(Hall, Chambers)..... 248CA
Initiative 300: change restrictions on corporate farming(Baack, Weihing)..... 271CA
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Initiative 300: repeal restrictions on corporate farming(Baack, Weihing)..... 270CA
Legislators: eliminate privilege from certain arrests(Peterson).. 250CA
Legislators: eliminate privilege from certain arrests(Hefner).... 246CA
Legislators: establish a Compensation Review Commission (38 Senators)..... 258CA
Legislators: increase constitutional limitation on salary from $400 to $1,000 per month(36 Senators)..... 7CA
Legislators: permit the issuance of traffic citations to legislators(Peterson)..... 251CA
Political subdivisions: require Legislature to fund new programs and services(Hefner)..... 22CA
Property tax exemption to stimulate economic development: authorize county boards to initiate vote of electors(Abboud)..... 5CA
Recall: permit recall of all elected officeholders(Peterson, Hefner)..... 257CA
Salaries of senators: increase limitation from $400 to $1,000 per month(36 Senators)..... 7CA
State Board of Education: eliminate(Baack, Scofield, Morehead, Remmers, Moore, Bernard-Stevens, Withem)..... 265CA
State lottery: establish(Schellpeper, Haberman, Hall, Hartnett).. 252CA
United States Constitutional Convention: withdraw Nebraska's request relating to a balanced budget amendment(Landis)..... 261LR
University of Nebraska and the Nebraska State Colleges: establish a single governing board(Withem)..... 268CA
University of Nebraska Board of Regents: place under the direction of the Legislature(Withem)..... 269CA
University of Nebraska Board of Regents: provide gubernatorial appointments(Withem)..... 247CA
Voting age: change eligibility requirements relating to 18 year old electors(Hall, Chambers)..... 248CA
Voting eligibility: change(Pirsch, McFarland, Chambers, Ashford). 253CA

CONSTRUCTION

Codes: interim study to establish penalties for standard code violations(Withem, Hartnett)..... 376LR
Home Builders of Lincoln Remodelors Council: commend for community service and national award for excellence(Landis)..... 282LR

COOK, NEBRASKA

Anniversary: recognize for 100th(Remmers)..... 348LR

CORN

Boiler fuel: encourage development of shelled corn as a boiler fuel in place of coal(Dierks, Hefner)..... 29LR

LR

CORPORATIONS
Corporate farming: change restrictions(Baack, Weihing)..... 271CA
Corporate farming: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Corporate farming: repeal restrictions(Baack, Weihing)..... 270CA
Corporate farming: support withdrawal of legislation relating to Initiative 300 and encourage interpretation by courts(Baack, V. Johnson, Weihing, Schmit, Moore, R. Johnson, Conway)..... 277LR
Employment and Investment Growth Act: encourage state participation(33 Senators)..... 297LR
Fringe benefit funds: interim study to examine funds created by collective bargaining between private employers and employees (Business and Labor Committee)..... 344LR
Minimum wage: interim study relating to the impact of LB 474 (1987), which increased the state minimum wage law(Coordsen, Hall, Johanns, Korshoj)..... 371LR
Research and Development Authority: interim study(Haberman)..... 350LR

COUNTIES (See also County Government and Officers)
Cooperative Extension Service: declare week of February 8 as Nebraska Cooperative Extension Week and honor staff members (Beyer)..... 275LR
County Purchasing Act: interim study(Baack, Hannibal)..... 361LR
Kimball County: recognize for 100th anniversary(Baack)..... 340LR
Programs and services, new: require Legislature to fund(Hefner).. 22CA
Property tax exemption to stimulate economic development: authorize county boards to initiate vote of electors(Abboud)..... 5CA
Scotts Bluff County, Nebraska: recognize for 100th anniversary (Baack, Weihing)..... 342LR

COUNTY ATTORNEY
Interim study to examine the utilization of resources in the county attorney system(Conway, Ashford, Landis)..... 336LR

COUNTY GOVERNMENT AND OFFICERS (See also Counties)
County Attorneys: interim study(Conway, Ashford, Landis)..... 336LR
Oakland-Craig School District: request the State Treasurer to provide a loan due to liability for tort claims (Education Committee, Abboud, Korshoj, Remmers)..... 263LR
Property tax exemption to stimulate economic development: authorize county boards to initiate vote of electors(Abboud)..... 5CA

COYNE, DERMOT P.
Congratulate for his contributions as a scholar, teacher and research scientist(Johanns)..... 338LR

CRIMES AND PUNISHMENTS
Juvenile Justice and Delinquency Prevention Act: interim study to analyze Nebraska's participation in the federal act(Nelson)... 397LR
Victim Rights Week: designate for the week of April 17-23, 1988 (Pirsch)..... 437LR

CURTISS, SHERRIE
Congratulate as a 1988 Schoolteacher of the Year(Pirsch, L. Johnson)..... 299LR

DAHLHAUSER, MARY
Congratulate as a 1988 Schoolteacher of the Year(Pirsch, L. Johnson)..... 299LR

DAMS (See also Water; Natural Resources)
Swan Creek Watershed Project: encourage Congress to appropriate funds and increase funding for all unfinished watershed projects (Coordsen, Morehead)..... 280LR

Two Forks Dam project: encourage protection of the Platte River by alerting officials to the potential damage due to Two Forks (Wesely)..... 441LR

DEATHS
Bosiljevac, Michael J.: express sympathy to family(Abboud, Withem, Hartnett)..... 278LR
Sieck, Harold F.: express sympathy to family(45 Senators)..... 421LR

DEWITT, NEBRASKA
Swan Creek Watershed Project: encourage Congress to appropriate funds and increase funding for all unfinished watershed projects (Coordsen, Morehead)..... 280LR

DISABLED PERSONS (See also Handicapped Persons)
Gretna High School for Class B State Championship Play Production about the problems of the handicapped: congratulate (Beyer)..... 289LR
March of Dimes: declare 1988 as March of Dimes Fiftieth Anniversary Year(Pirsch, Wesely, Morehead)..... 296LR
Regler, Jerry: recognize for his service as an educator of the visually handicapped(Wehrbein)..... 377LR
Special Olympics: encourage selection of Lincoln as host city for the 1991 Summer Games(Dierks, R. Johnson, Rogers, Smith, Withem, Beyer, Chambers, McFarland)..... 419LR
Vikingship Community Center: congratulate on its receipt of the "Supported Employer of the Year Award" from ARC-Nebraska(Lynch).. 273LR

DOUGLAS, NEBRASKA
Anniversary: recognize for 100th(Remmers)..... 347LR

DUNBAR, NEBRASKA
Syracuse-Dunbar-Avoca School Eighth Grade Chorus: commend for its participation in "Music In Our Schools Month"(Wehrbein)..... 308LR

ECONOMIC DEVELOPMENT
Cities and villages: authorize use of general funds for economic development purposes(Urban Affairs Comm.)..... 21CA
Department of Economic Development: interim study to review long-term strategies for economic development mandated by LB 965 (Wesely)..... 398LR
Employment and Investment Growth Act: encourage state participation(33 Senators)..... 297LR
Governmental competition with private enterprise: interim study(Urban Affairs Committee)..... 423LR
Property tax exemption: authorize county boards to initiate voter approval(Abboud)..... 5CA
Research and Development Authority: interim study(Haberman)..... 350LR
Superconducting Super Collider: support the Colorado site proposal and establish an experimental group to work at the site (Wesely, Scofield, Weihing, Baack, Haberman)..... 284LR

ECONOMIC DEVELOPMENT, DEPARTMENT OF
Economic Development, Department of: interim study to review long-term strategies for economic development mandated by LB 965 (Wesely)..... 398LR

EDUCATION (See also Schools)
Academic Decathlon: commend participants and winners(Pirsch, Higgins, Ashford)..... 302LR
Accreditation standards: urge consideration of report relating to findings in LR 181 (1987) when implementing standards(Withem, Baack)..... 426LR

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Asbestos inspections: encourage Congress to provide adequate funding for asbestos inspections of schools(Hefner)..... 279LR
Driver safety education: interim study(Smith)..... 365LR
Educational data and evaluation systems of the public schools: urge improvement(Withem, Baack)..... 426LR
Educational Progress, National Assessment of: urge consideration and investigation relating to state participation in(Withem, Baack)..... 426LR
Elementary and secondary school system data analysis systems: interim study(Withem)..... 389LR
Gifted children: interim study of educational programs(McFarland) 354LR
Imperial Elementary School: recognize for Nebraska Presidential Fitness Award(Haberman)..... 432LR
Oakland-Craig School District: request the State Treasurer to provide a loan due to liability for tort claims (Education Committee, Abboud, Korshoj, Remmers)..... 263LR
Opening dates: encourage adoption of post-Labor Day or September 1st opening dates(Bernard-Stevens, Schellpeper)..... 436LR
Quality of education in elementary and secondary schools: interim study(Moore)..... 405LR
Regler, Jerry: recognize for his service as an educator of the visually handicapped(Wehrbein)..... 377LR
Restructuring: interim study to encourage the internal restructuring of schools(Withem, Bernard-Stevens)..... 391LR
School reorganization: interim study(Withem)..... 346LR
State Board of Education: eliminate(Baack, Scofield, Morehead, Remmers, Moore, Bernard-Stevens, Withem)..... 265CA
State Code Agencies Education Association: urge cooperation to accept the terms of employment established by the Special Master (Withem)..... 335LR
State Department of Education: urge establishment of a separate evaluation and assessment division(Withem, Baack)..... 426LR
Student testing and assessments: urge implementation of a statewide system(Withem, Baack)..... 426LR
Teacher Recognition: proclaim March 1, 1988 as Teacher Recognition Day and congratulate 1988 schoolteachers of the year (Pirsch, L. Johnson)..... 299LR
Vocational Education Week: proclaim for the week of February 7th through the 13th, 1988(Barrett)..... 272LR

ELECTIONS (See also Voters and Voting)

County boards: authorize property tax exemption to stimulate economic development following voter approval(Abboud)..... 5CA
Initiative and referendum: change signature requirements from electors to registered voters(Hall, Chambers)..... 248CA
Recall: permit recall of all elected officeholders(Peterson, Hefner)..... 257CA
Voting age: change eligibility requirements relating to 18 year old electors(Hall, Chambers)..... 248CA
Voting eligibility: change(Pirsch, McFarland, Chambers, Ashford). 253CA

ELECTRICITY

Codes: interim study to establish penalties for standard code violations(Withem, Hartnett)..... 376LR

ELGIN, NEBRASKA

High School girls for Class D-1 state basketball title: congratulate(Dierks)..... 309LR

ELYRIA, NEBRASKA

Anniversary: recognize for 100th(Rogers)..... 310LR

EMPLOYEES

Fringe benefit funds: interim study to examine funds created by collective bargaining between private employers and employees (Business and Labor Committee)..... 344LR

Minimum wage: interim study relating to the impact of LB 474 (1987), which increased the state minimum wage law(Coordsen, Hall, Johanns, Korshoj)..... 371LR
State Capitol custodial personnel: recognize for their contributions to the smooth operation of the Legislature(Marsh).. 306LR

EMPLOYERS
Fringe benefit funds: interim study to examine funds created by collective bargaining between private employers and employees (Business and Labor Committee)..... 344LR
Minimum wage: interim study relating to the impact of LB 474 (1987), which increased the state minimum wage law(Coordsen, Hall, Johanns, Korshoj)..... 371LR

EMPLOYMENT AND INVESTMENT GROWTH ACT
Encourage state participation(33 Senators)..... 297LR

ENERGY
Corn, shelled: encourage development of shelled corn as a boiler fuel in place of coal(Dierks, Hefner)..... 29LR
Energy overcharge: request Governor to delay disbursement of funds until procedures and policies are established(Warner, Hartnett, L. Johnson)..... 1LR

ENGINEERS
Stationary engineers: interim study to license stationary engineers to ensure safe boiler operations(Lynch)..... 400LR

ENVIRONMENTAL CONTROL AND PROTECTION
Ozone layer: interim study of Nebraska's role in the protection of the ozone layer(Health and Human Services Committee)..... 434LR
Underground storage tanks: interim study to develop regulations to conform to federal law(Natural Resources Committee)..... 412LR

ETHANOL
Energy usage issues: interim study(Natural Resources Committee).. 416LR

EYES
Bioptic lenses: interim study to adopt rules relating to the use of bioptic lenses for the operation of a motor vehicle(Johanns, Schmit, Withem, Campbell)..... 393LR

FALLS CITY, NEBRASKA
Sacred Heart High School boys for Class D-1 state basketball title: congratulate(Remmers)..... 327LR

FARMS AND FARMING (See also Agriculture)
Agricultural land: establish separate classification for tax purposes(R. Johnson, Lamb, Moore, Wehrbein)..... 249CA
Agriculture Week in Nebraska: declare for the week of March 20-26 and declare March 20 as Agriculture Day in Nebraska (R. Johnson, Rogers, Wehrbein, Morehead, Wesely, Elmer, Miller, Hefner,Bernard-Stevens, Chambers, Coordsen, Campbell)..... 337LR
Anhydrous ammonia: urge the Department of Transportation to not reclassify anhydrous ammonia as a poisonous gas(R. Johnson).. 285LR
Aquaculture: interim study(R. Johnson, Bernard-Stevens, Hefner, Miller, Barrett, Coordsen, Elmer, Chambers)..... 372LR
Cattle marketing: interim study(R. Johnson, Bernard-Stevens, Wehrbein, Warner, Miller, Hefner, Coordsen, Morehead, Chambers). 373LR
Cooperative Extension Service: declare week of February 8 as Nebraska Cooperative Extension Week and honor staff members (Beyer)..... 275LR
Corn, shelled: encourage the development of shelled corn as a boiler fuel in place of coal(Dierks, Hefner)..... 29LR

LR
Corporate farming: change restrictions(Baack, Weihing)..... 271CA
Corporate farming: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Corporate farming: repeal restrictions(Baack, Weihing)..... 270CA
Corporate farming: support withdrawal of legislation relating to Initiative 300 and encourage interpretation by courts(Baack, V. Johnson, Weihing, Schmit, Moore, R. Johnson, Conway)..... 277LR
Diesel fuel tax: encourage Congress to exempt agriculture from diesel fuel tax requirements(Coordsen, Warner, Bernard-Stevens, Rogers, Elmer, Schellpeper, Campbell, Scofield, Wehrbein)..... 283LR
Horse racing: authorize interstate and intrastate simulcasting and expanded wagering at certain licensed tracks(V. Johnson)..... 15CA
Initiative 300: support the withdrawal of legislation and encourage interpretation by courts(Baack, V. Johnson, Weihing, Schmit, Moore, R. Johnson, Conway)..... 277LR
Kuenning, Jerry and Kathy: commend for being chosen Outstanding Young Farmers for 1988 by the United States Jaycees(Haberman).... 316LR
Select Committee: establish for Rural-Urban Renewal and Restoration(Hall, Coordsen, Hefner)..... 264LR
Wheat exports: support the clean grain marketing efforts of commodity development boards and other grain marketing entities (Schmit, Warner)..... 267LR

FEES AND SALARIES
Highway construction: limit taxes(Hartnett)..... 20CA
Motor carrier registration fees: interim study (Transportation Committee)..... 385LR
Salaries of senators: increase limitation from $400 to $1,000 per month(36 Senators)..... 7CA

FINANCIAL INSTITUTIONS
Commonwealth: interim study to review new information and developments(Wesely, McFarland, Landis, Marsh, Warner)..... 410LR
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)..... 10CA

FONDA, HENRY
Extend appreciation to the Henry Fonda family for the exemplary manner Mr. Fonda promoted the state and the Stuhr Museum (Nelson)..... 323LR

FOSTER CARE
Social Services, Department of: interim study to examine the process used to refer children to foster care(Moore)..... 403LR

FUELS (See also Motor Vehicle Fuels; Minerals, Oil, and Natural Gas)
Corn, shelled: encourage development of shelled corn as a boiler fuel in place of coal(Dierks, Hefner)..... 29LR

FULLER, ROBERT G.
Congratulate for his scholastic contributions to the field of physics and his teaching at the University of Nebraska at Lincoln (Marsh)..... 307LR

GAMBLING
Gaming commission to regulate gambling: interim study (General Affairs Committee)..... 366LR
Horse racing: authorize interstate and intrastate simulcasting and expanded wagering at certain licensed tracks(V. Johnson)..... 15CA
Lottery, state: establish(Schellpeper, Haberman, Hall, Hartnett). 252CA

GAME AND PARKS
Mahoney State Park, Eugene T.: approve gift of land from the Nebr. Game and Parks Foundation to the Game and Parks Commission (Wehrbein)..... 254LR

Mahoney, Eugene T.: acknowledge his dedicated efforts and achievements(48 senators)..... 442LR

GIBBON, NEBRASKA
High School girls for Class C-1 state basketball title: congratulate(Langford)..... 317LR

GORDON, LESLIE
Congratulate as Nebraska Young Mother of the Year(Johanns)..... 325LR

GOVERNOR
Appointments: interim study to examine the legislative confirmation process used to review gubernatorial appointments (Barrett)..... 288LR
Commissioner of Education: provide for gubernatorial appointment and eliminate the State Board of Education(Baack, Scofield, Morehead, Remmers, Moore, Bernard-Stevens, Withem)..... 265CA
Compensation Review Commission: establish(38 Senators)..... 258CA
Energy overcharge: request Governor to delay disbursement of funds until procedures and policies are established(Warner, Hartnett, L. Johnson)..... 1LR
Orr, Kay A.: honor her contributions to the state and the nation(49 Senators)..... 300LR
Superconducting Super Collider: encourage the Governor to assist in the support of the Colorado site proposal(Wesely, Scofield, Weihing, Baack, Haberman)..... 284LR
University of Nebraska Board of Regents: provide gubernatorial appointments(Withem)..... 247CA

GRAND ISLAND, NEBRASKA
Fonda, Henry: express greetings to the Fonda family upon their family reunion at the Stuhr Museum(Nelson)..... 323LR

GRETNA, NEBRASKA
High School for Class B State Championship Play Production: congratulate(Beyer)..... 289LR

GROUND WATER (See also Natural Resources; Water)
Aquaculture: interim study(R. Johnson, Bernard-Stevens, Hefner, Miller, Barrett, Coordsen, Elmer, Chambers)..... 372LR
Interim study of ground water and other natural resources (Natural Resources Committee)..... 415LR
Rivers and streams: interim study to identify rivers and streams for protection and preservation purposes(R. Johnson)..... 399LR
Soil and water conservation: interim study (Natural Resources Committee)..... 413LR
Swan Creek Watershed Project: encourage Congress to appropriate funds and increase funding for all unfinished watershed projects (Coordsen, Morehead)..... 280LR
Two Forks Dam project: encourage protection of the Platte River by alerting officials to the potential damage due to Two Forks (Wesely)..... 441LR

HAMPTON, NEBRASKA
High School boys for Class D-2 state basketball title: congratulate(R. Johnson)..... 328LR

HANDICAPPED PERSONS
Gretna High School for Class B State Championship Play Production about the problems of the handicapped: congratulate (Beyer)..... 289LR
March of Dimes: declare 1988 as March of Dimes Fiftieth Anniversary Year(Pirsch, Wesely, Morehead)..... 296LR

LR

Regler, Jerry: recognize for his service as an educator of the visually handicapped(Wehrbein)..... 377LR
Special Olympics: encourage selection of Lincoln as host city for the 1991 Summer Games(Dierks, R. Johnson, Rogers, Smith, Withem, Beyer, Chambers, McFarland)..... 419LR
Vikingship Community Center: congratulate on its receipt of the "Supported Employer of the Year Award" from ARC-Nebraska(Lynch).. 273LR

HASTINGS, NEBRASKA
Hastings College Men's basketball team: congratulate for earning a berth in the NAIA tournament(Smith)..... 333LR
Holthaus, Luella L.: honor her memory for her regard for the safety of others(Marsh, Smith)..... 305LR

HAZARDOUS WASTE (See also Waste; Nuclear Waste)
Low-level radioactive waste: interim study relating to transportation, storage and disposal (Natural Resources Committee)..... 411LR
Radioactive waste disposal: interim study relating to liability and financial issues(Schellpeper, Scofield)..... 417LR
Storage, transportation, management and disposal of waste products and materials: interim study (Natural Resources Committee)..... 414LR

HEALTH CARE
Cancer control programs: interim study(Wesely)..... 363LR
Caregivers for the elderly: interim study(Wesely)..... 396LR
Health and human services issues: interim study (Health and Human Services Committee)..... 404LR
Indigent persons: interim study relating to state fiscal responsibility for the medically indigent(Lynch)..... 401LR
March of Dimes: declare 1988 as March of Dimes Fiftieth Anniversary Year(Pirsch, Wesely, Morehead)..... 296LR
Naturopathic medicine: interim study(Beyer)..... 358LR
Nursing education and assistance: interim study(Nelson, Schellpeper)..... 369LR
Rural hospitals: encourage the Nebraska congressional delegation to continue efforts to provide equality in reimbursement (Schellpeper, Lynch, Bernard-Stevens, Wesely, Beyer, Goodrich, Morehead)..... 433LR
School nurses: interim study of the minimum training and education needed(Morehead)..... 394LR
Uniform Organ Donor Card: encourage Nebraskans to sign and carry for the use of kidneys and other organs after death(Wesely)..... 298LR
University of Nebraska Medical Center Health Care Project: approve implementation(Labedz, Haberman, Withem, Lynch, Wesely, Hall, Ashford, Peterson, Schellpeper, Dierks, Goodrich, Marsh).. 266LR
University of Nebraska Medical Center: interim study(Goodrich)... 353LR

HIGHWAYS (See also Roads)
All-terrain vehicles: interim study(Moore)..... 407LR
Construction and repair: limit certain taxes(Hartnett)..... 20CA
Highway construction and maintenance: interim study (Transportation Committee)..... 382LR
Highways 26 and 92: designate as the TRAILS WEST PARKWAY(Weihing, Haberman, Baack)..... 420LR
Legislators: permit the issuance of traffic citations to legislators(Peterson)..... 251CA

HISTORICAL SOCIETY, NEBRASKA STATE
Interim study of the mission, role, organization, governance, oversight and operation of the Society(Chambers, Baack, Conway, Wesely)..... 409LR

HOBBIES
Historical and Special Interest Automobile Recognition Week, Nebraska: designate for the week of June 11-19, 1988(Abboud).... 304LR

HOLIDAYS
Arbor Day: declare Nebraska City, Nebraska as home of the official Arbor Day celebration(Wehrbein)..... 378LR

HOLTHAUS, LUELLA L.
Honor her memory for her regard for the safety of others(Marsh, Smith)..... 305LR

HORSE RACING
Constitutional amendment to authorize interstate and intrastate simulcasting and expanded wagering at certain licensed tracks (V. Johnson)..... 15CA
Nebraska-bred horses: interim study relating to ownership requirements(General Affairs Committee)..... 367LR

HOSPITALS (See also Health Care)
Rural hospitals: encourage the Nebraska congressional delegation to continue efforts to provide equality in reimbursement (Schellpeper, Lynch, Bernard-Stevens, Wesely, Beyer, Goodrich, Morehead)..... 433LR
University of Nebraska Medical Center Health Care Project: approve implementation(Labedz, Haberman, Withem, Lynch, Wesely, Hall, Ashford, Peterson, Schellpeper, Dierks, Goodrich, Marsh).. 266LR

HOWARD, WILLIAM
Congratulate for Hertz Fellowship and other academic awards (Goodrich, L. Johnson)..... 319LR

IMPERIAL, NEBRASKA
Elementary School: recognize for Nebraska Presidential Fitness Award(Haberman)..... 432LR

INDIANS (See also Native Americans)
Ponca Tribe: recognize former members as duly state recognized Indians and support federal restoration of the tribe(Johanns, Nelson, Remmers, Labedz, Hefner, Conway, Schmit, Baack, Weihing, Marsh)..... 428LR
Unknown Indian Day: encourage observance on May 19, 1988(Johanns, Schmit, Weihing, Remmers)..... 429LR

INDUSTRIAL RELATIONS ACT
State Employees Collective Bargaining and Industrial Relations Acts: interim study(Business and Labor Committee)..... 343LR

INFANTS (See also Children)
Child care: interim study(Wesely)..... 395LR
Foster care and placement in public and private institutions: interim study(Moore)..... 403LR
Juvenile court: interim study(Bernard-Stevens)..... 388LR
Juvenile Justice and Delinquency Prevention Act: interim study to analyze Nebraska's participation in the federal act(Nelson)... 397LR
Teen Pregnancy Awareness Week: declare for the week of February 8-14(Morehead)..... 276LR
Teen pregnancy: interim study(Morehead, Wesely, Bernard-Stevens). 375LR
Week of the Young Child: declare for the week of April 10-16 (Wesely)..... 425LR

INITIATIVE AND REFERENDUM
Petitions: change signature requirements from electors to registered voters(Hall, Chambers)..... 248CA

INITIATIVE 300

Constitutional amendment to modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Corporate farming: change restrictions(Baack, Weihing)..... 271CA
Corporate farming: repeal restrictions(Baack, Weihing)..... 270CA
Legislation: support the withdrawal of Initiative 300 legislation and encourage interpretation by courts(Baack, V. Johnson, Weihing, Schmit, Moore, R. Johnson, Conway)..... 277LR

INSURANCE

Automobile insurance and financial responsibility: interim study (Rogers, Lamb, Peterson, Remmers)..... 356LR
Interim study to reorganize Nebraska's insurance statutes(Remmers) 355LR

INTERIM STUDIES

All-terrain vehicles(Moore)..... 407LR
Animal Protection Act(Government Committee)..... 362LR
Annexation and extraterritorial jurisdiction statutes relating to developed areas surrounding cities and villages (Urban Affairs Committee)..... 352LR
Aquaculture: encourage development and expansion of aquaculture while protecting the waters of the state(R. Johnson, Bernard-Stevens, Hefner, Miller, Barrett, Coordsen, Elmer, Chambers)..... 372LR
Attorney General opinions: review of the system by which opinions are requested by senators and rendered by the AG(Withem, Korshoj)..... 392LR
Automobile insurance and financial responsibility(Rogers, Lamb, Peterson, Remmers)..... 356LR
Bar Association, Nebraska State: membership and examination requirements(Chizek, Korshoj, Nelson, Chambers, Abboud, Conway, McFarland, Pirsch, Ashford, Hall)..... 380LR
Bidding, competitive: review of the County Purchasing Act(Baack, Hannibal)..... 361LR
Bioptic lenses: adopt rules relating to the use of bioptic lenses for operation of a motor vehicle(Johanns, Schmit, Withem, Campbell)..... 393LR
Boundaries of the state(Conway, Labedz)..... 357LR
Branch rail line systems in Nebraska(Transportation Committee).... 386LR
Bumper height requirements for passenger cars and trucks(Withem).. 379LR
Cancer control programs(Wesely)..... 363LR
Caregivers for the elderly(Wesely)..... 396LR
Cattle marketing and the distribution of packing plants (R. Johnson, Bernard-Stevens, Wehrbein, Warner, Miller, Hefner, Coordsen, Morehead, Chambers)..... 373LR
Child care(Wesely)..... 395LR
Civil liability: review various forms of immunity from civil liability(Chizek, Conway)..... 381LR
Code, plumbing: create a statewide code(Urban Affairs Committee). 370LR
Codes: establish penalties for standard code violations(Withem, Hartnett)..... 376LR
Commercial Motor Vehicle Safety Act of 1986 (Transportation Committee)..... 384LR
Commonwealth: review new information and developments(Wesely, McFarland, Landis, Marsh, Warner)..... 410LR
County Attorney system: examine utilization of resources(Conway, Ashford, Landis)..... 336LR
County Purchasing Act(Baack, Hannibal)..... 361LR
Driver safety education(Smith)..... 365LR
Drivers licenses: adopt rules relating to the use of bioptic lenses for the operation of a motor vehicle(Johanns, Schmit, Withem, Campbell)..... 393LR

Economic Development, Department of: review long-term strategies for economic development mandated by LB 965(1986)(Wesely)..... 398LR
Elderly: determine the needs of caregivers for the elderly (Wesely)..... 396LR
Energy usage issues(Natural Resources Committee)..... 416LR
Engineers, stationary: analyze the licensing of stationary engineers to ensure safe boiler operations(Lynch)..... 400LR
Financial aid for students attending Nebraska colleges and universities(Withem)..... 390LR
Foster care and placement in public and private institutions: review of the Department of Social Services referral process (Moore)..... 403LR
Fringe benefit funds: examine funds created by collective bargaining between private employers and employees (Business and Labor Committee)..... 344LR
Gambling: establish a separate gaming commission to regulate gambling(General Affairs Committee)..... 366LR
Gifted children: review of the current state of educational programs available to gifted children(McFarland)..... 354LR
Governmental competition with private enterprise (Urban Affairs Committee)..... 423LR
Gubernatorial appointments: examine the legislative confirmation process(Barrett)..... 288LR
Health and human services issues (Health and Human Services Committee)..... 404LR
Highway construction and maintenance(Transportation Committee).... 382LR
Historical Society, Nebraska State(Chambers, Baack, Conway, Wesely)..... 409LR
Horses, Nebraska-bred: review citizenship requirement for owners (General Affairs Committee)..... 367LR
Hunger in Nebraska(Wesely)..... 364LR
Immunity from civil liability(Chizek, Conway)..... 381LR
Indigent persons: analysis of state fiscal responsibility for the medically indigent(Lynch)..... 401LR
Industrial Relations and State Employees Collective Bargaining Acts(Business and Labor Committee)..... 343LR
Insurance: analyze automobile insurance and financial responsibility(Rogers, Lamb, Peterson, Remmers)..... 356LR
Insurance: reorganize Nebraska's insurance statutes(Remmers)..... 355LR
Juvenile court system in Nebraska(Bernard-Stevens)..... 388LR
Juvenile Justice and Delinquency Prevention Act: review of Nebraska's participation(Nelson)..... 397LR
Legislative confirmation process relating to gubernatorial appointments(Barrett)..... 288LR
Liability, civil: review various forms of immunity from civil liability(Chizek, Conway)..... 381LR
Low-level radioactive waste transportation, storage and disposal (Natural Resources Committee)..... 411LR
Medical assistance: analysis of state fiscal responsibility for the medically indigent(Lynch)..... 401LR
Minimum wage: review the impact of LB 474(1987), which increased the state minimum wage law(Coordsen, Hall, Johanns, Korshoj)..... 371LR
Motor carrier registration fees(Transportation Committee)..... 385LR
Motor vehicle inspection law: analysis of the feasibility of reinstatement(Beyer, Ashford, Wesely)..... 360LR
Motor vehicle registration, titling and licensure(Moore)..... 406LR
Motor Vehicle Safety Act of 1986, Commercial (Transportation Committee)..... 384LR
Municipal annexation and extraterritorial jurisdiction statutes (Urban Affairs Committee)..... 352LR
Municipal ownership and operation of utilities (Urban Affairs Committee)..... 286LR

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Natural resources(Natural Resources Committee)..... 415LR
Naturopathic medicine(Beyer)..... 358LR
Negligence: review various forms of immunity from civil liability(Chizek, Conway)..... 381LR
Nurses, school: analysis of the minimum training and education required(Morehead)..... 394LR
Nursing education and assistance(Nelson, Schellpeper)..... 369LR
Ozone layer: analysis of Nebraska's role in the protection of the ozone layer(Health and Human Services Committee)..... 434LR
Packing plant distribution and cattle marketing(R. Johnson, Bernard-Stevens, Wehrbein, Warner, Miller, Hefner, Coordsen, Morehead, Chambers)..... 373LR
Plumbing code: create a statewide code(Urban Affairs Committee).. 370LR
Pornography: analysis of federal and state laws to determine public policy for Nebraska(Moore)..... 408LR
Private enterprise in competition with governmental entities (Urban Affairs Committee)..... 423LR
Private enterprise in competition with state and local governments(Baack, Abboud)..... 402LR
Private investigator licensure(Beyer)..... 359LR
Radioactive waste disposal: analysis of liability and financial issues(Schellpeper, Scofield)..... 417LR
Radioactive waste transportation, storage and disposal (Natural Resources Committee)..... 411LR
Railroad branch lines(Transportation Committee)..... 386LR
Research and Development Authority(Haberman)..... 350LR
Rivers and streams: identify rivers and streams for protection and preservation purposes(R. Johnson)..... 399LR
Rural-Urban Renewal and Restoration: establish a Select Committee to analyze programs and practices(Hall, Coordsen, Hefner)..... 264LR
School nurse training and education(Morehead)..... 394LR
School reorganization(Withem)..... 346LR
School restructuring: encourage internal restructuring(Withem, Bernard-Stevens)..... 391LR
Schools, elementary and secondary: revamp data system to provide information consistent with the goals of enhanced accountability (Withem)..... 389LR
Schools: analysis of the quality of education in elementary and secondary schools(Moore)..... 405LR
Social Services, Department of: interim study to examine the process used to refer children to foster care(Moore)..... 403LR
Soil and water conservation: analysis of the agencies involved in soil and water conservation(Natural Resources Committee)..... 413LR
State agency rules and regulations: review of procedures for notice and location of public hearings(Haberman)..... 351LR
State and local government competition with private enterprise (Baack, Abboud)..... 402LR
State boundary issues(Conway, Labedz)..... 357LR
State Employees Collective Bargaining and Industrial Relations Acts(Business and Labor Committee)..... 343LR
Stationary engineers: analyze the licensing of stationary engineers to ensure safe boiler operations(Lynch)..... 400LR
Storage tanks: develop regulations relating to underground storage tanks to conform to federal law (Natural Resources Committee)..... 412LR
Teen pregnancy: develop a program for lifeskills education to prevent teen pregnancy(Morehead, Wesely, Bernard-Stevens)..... 375LR
Transportation facilities and services in Nebraska (Transportation Committee, Scofield)..... 387LR
Transportation: review of several transportation issues (Transportation Committee)..... 383LR
Transportation: review of the Commercial Motor Vehicle Safety Act of 1986(Transportation Committee)..... 384LR

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University and college student financial aid(Withem)..... 390LR
University of Nebraska Medical Center(Goodrich)..... 353LR
Utilities: municipal ownership and operation (Urban Affairs Committee)..... 286LR
Waste product storage, transportation, management and disposal(Natural Resources Committee)..... 414LR
Water and other natural resources(Natural Resources Committee).... 415LR
Weeds: review LB 911 (1987) relating to the control of noxious weeds(R. Johnson, Bernard-Stevens, Hefner, Miller, Morehead, Coordsen, Elmer, Chambers)..... 374LR
Zoning: review of annexation and extraterritorial jurisdiction statutes relating to developed areas surrounding municipalities (Urban Affairs Committee)..... 352LR

JUVENILE COURT
Interim study of the juvenile court system(Bernard-Stevens)..... 388LR

KEISER, KAY
Congratulate as a 1988 Schoolteacher of the Year(Pirsch, L. Johnson)..... 299LR

KIMBALL COUNTY, NEBRASKA
Anniversary: recognize for 100th(Baack)..... 340LR

KRUSE, PHIL
Acknowledge the service, knowledge and expertise Mr. Kruse has contributed to the State(Higgins)..... 281LR

KUENNING, JERRY AND KATHY
Commend for being chosen Outstanding Young Farmers by the United States Jaycees(Haberman)..... 316LR

LABOR
Fringe benefit funds: interim study to examine funds created by collective bargaining between private employers and employees (Business and Labor Committee)..... 344LR
Minimum wage: interim study relating to the impact of LB 474 (1987), which increased the state minimum wage law(Coordsen, Hall, Johanns, Korshoj)..... 371LR
State Capitol custodial personnel: recognize for their contributions to the smooth operation of the Legislature(Marsh).. 306LR
State Code Agencies Education Association: urge cooperation to accept the terms of employment established by the Special Master (Withem)..... 335LR
State Employees Collective Bargaining and Industrial Relations Acts: interim study(Business and Labor Committee)..... 343LR

LARSEN, JOHN
Lincoln Southeast High School girls basketball team: commend Mr. Larsen for his dedication to the team(Marsh)..... 315LR

LAW ENFORCEMENT
Private investigators: interim study relating to licensing(Beyer) 359LR
Victim Rights Week: designate for the week of April 17-23, 1988 (Pirsch)..... 437LR

LEGISLATURE
Compensation Review Commission: establish(38 Senators)..... 258CA
Comprehensive Tax Study Committee: analyze report submitted by Syracuse University relating to taxation in Nebraska (V. Johnson, L. Johnson, Hefner, Remmers, Warner, Scofield, Labedz)..... 427LR
Constitutional offices: provide for vacancy(Chambers)..... 260CA

LR

Elective offices: declare elective offices vacant following felony conviction of officeholders(Hefner)..... 246CA
General funds: authorize cities and villages to use general funds for economic development purposes(Urban Affairs Comm.)..... 21CA
Gubernatorial appointments: interim study to examine the legislative confirmation process(Barrett)..... 288LR
Legislators: eliminate privilege from certain arrests(Peterson).. 250CA
Legislators: eliminate privilege from certain arrests(Hefner).... 246CA
Legislators: permit the issuance of traffic citations to legislators(Peterson)..... 251CA
Manley, Dr. Robert: commend for his address to the Legislature relating to problems of past and future Legislatures(Barrett).... 322LR
Political subdivisions: require Legislature to fund new programs and services(Hefner)..... 22CA
Portraits of Washington and Lincoln: request their placement in the legislative chamber(Abboud, Peterson, Hefner)..... 418LR
Pound, Bill: extend appreciation for his address relating to national trends in state legislatures(Barrett)..... 324LR
Recall: permit recall of all elected officeholders(Peterson, Hefner)..... 257CA
Salaries of senators: increase limitation from $400 to $1,000 per month(36 Senators)..... 7CA
Select Committee: establish for Rural-Urban Renewal and Restoration(Hall, Coordsen, Hefner)..... 264LR
Sieck, Harold F.: express sympathy to family(45 Senators)..... 421LR
State Capitol custodial personnel: recognize for their contributions to the smooth operation of the Legislature(Marsh).. 306LR
United States Constitutional Convention: withdraw Nebraska's request relating to a balanced budget amendment(Landis)..... 261LR
University of Nebraska Board of Regents: place under the direction of the Legislature(Withem)..... 269CA

LIABILITY (See also Negligence)

Immunity from civil liability: interim study(Chizek, Conway)..... 381LR
Oakland-Craig School District: request the State Treasurer to provide a loan due to liability for tort claims (Education Committee, Abboud, Korshoj, Remmers)..... 263LR
Radioactive waste disposal: interim study relating to liability and financial issues(Schellpeper, Scofield)..... 417LR

LICENSES AND PERMITS

Codes: interim study to establish penalties for standard code violations(Withem, Hartnett)..... 376LR
Horse racing: authorize interstate and intrastate simulcasting and expanded wagering at certain licensed tracks(V. Johnson)..... 15CA
Motor carrier registration fees: interim study (Transportation Committee)..... 385LR
Motor vehicle registration, titling and licensure: interim study(Moore)..... 406LR
Private investigators: interim study relating to licensing(Beyer) 359LR
Stationary engineers: interim study to license stationary engineers to ensure safe boiler operations(Lynch)..... 400LR

LINCOLN

Gordon, Leslie: congratulate for being named Nebraska Young Mother of the Year(Johanns)..... 325LR
Hill and Holmes Elementary Schools: commend their choruses for their participation in "Music in Our Schools Month"(Marsh, Johanns)..... 321LR
Loudon, Betty: congratulate as Nebraska Mother of the Year (McFarland)..... 295LR
Southeast High School girls for Class A state basketball title: congratulate(Marsh)..... 315LR

Special Olympics: encourage selection of Lincoln as host city for the 1991 Summer Games(Dierks, R. Johnson, Rogers, Smith, Withem, Beyer, Chambers, McFarland)..... 419LR

LINCOLN, ABRAHAM
Portrait: request its placement in the legislative chamber (Abboud, Peterson, Hefner)..... 418LR

LIVESTOCK
Cattle marketing: interim study relating to how cattle are marketed and the distribution of packing plants(R. Johnson, Bernard-Stevens, Wehrbein, Warner, Miller, Hefner, Coordsen, Morehead, Chambers)..... 373LR

LOTTERIES
State lottery: establish(Schellpeper, Haberman, Hall, Hartnett).. 252CA

LOUDON, BETTY
Congratulate as Nebraska Mother of the Year(McFarland)..... 295LR

LUIS, VIRGIE
Congratulate as a 1988 Schoolteacher of the Year(Pirsch, L. Johnson)..... 299LR

LUND, WILMA
Congratulate as a 1988 Schoolteacher of the Year(Pirsch, L. Johnson)..... 299LR

MAHONEY, EUGENE T.
Acknowledge his dedicated efforts and achievements in the areas of outdoor recreation and public service(48 senators)..... 442LR

MANLEY, DR. ROBERT
Extend appreciation for his address to the Legislature relating to problems of past and future Legislatures(Barrett)..... 322LR

MARCH OF DIMES
Declare 1988 as March of Dimes Fiftieth Anniversary Year(Pirsch, Wesely, Morehead)..... 296LR

MCCORMICK, JOHN
Football and academic achievements: congratulate(Withem, Hartnett)..... 259LR

MEDICINE AND SURGERY (See also Health Care)
Cancer control programs: interim study(Wesely)..... 363LR
Health and human services issues: interim study (Health and Human Services Committee)..... 404LR
Naturopathic medicine: interim study(Beyer)..... 358LR
Nursing education and assistance: interim study(Nelson, Schellpeper)..... 369LR
Rural hospitals: encourage the Nebraska congressional delegation to continue efforts to provide equality in reimbursement (Schellpeper, Lynch, Bernard-Stevens, Wesely, Beyer, Goodrich, Morehead)..... 433LR
School nurses: interim study of the minimum training and education needed(Morehead)..... 394LR
Uniform Organ Donor Card: encourage Nebraskans to sign and carry for the use of kidneys and other organs after death(Wesely)..... 298LR
University of Nebraska Medical Center Health Care Project: approve implementation(Labedz, Haberman, Withem, Lynch, Wesely, Hall, Ashford, Peterson, Schellpeper, Dierks, Goodrich, Marsh).. 266LR
University of Nebraska Medical Center: interim study(Goodrich)... 353LR

MILITARY
Bosiljevac, Michael J.: express sympathy to family(Abboud, Withem, Hartnett)..... 278LR
POW-MIA flag: encourage the State Building Administrator and counties to fly the flag until the POW-MIA issue is resolved (Hefner)..... 262LR
Vietnam Women's Memorial Project: encourage support(Conway)..... 292LR

MILLIGAN, NEBRASKA
Anniversary: recognize for 100th(Coordsen)..... 345LR

MINERALS, OIL, AND NATURAL GAS (See also Motor Vehicle Fuels; Petroleum Products; Fuels)
Coal: encourage development of shelled corn as a boiler fuel in place of coal(Dierks, Hefner)..... 29LR
Energy overcharge: request Attorney General to delay disbursement of funds until procedure is established(Warner, Hartnett, L. Johnson)..... 1LR
Energy usage issues: interim study(Natural Resources Committee).. 416LR

MINIMUM WAGE
Interim study of the impact of LB 474 (1987) which increased the state minimum wage law(Coordsen, Hall, Johanns, Korshoj)..... 371LR

MITCHELL, CAROLYN
Congratulate as a 1988 Schoolteacher of the Year(Pirsch, L. Johnson)..... 299LR

MOTOR VEHICLE FUELS (See also Fuels; Minerals, Oil, and Natural Gas)
Diesel fuel tax: encourage Congress to exempt agriculture from diesel fuel tax requirements(Coordsen, Warner, Bernard-Stevens, Rogers, Elmer, Schellpeper, Campbell, Scofield, Wehrbein)..... 283LR
Energy overcharge: request Governor to delay disbursement of funds until procedures and policies are established(Warner, Hartnett, L. Johnson)..... 1LR
Energy usage issues: interim study(Natural Resources Committee).. 416LR
Taxes: limit for highway construction and repair(Hartnett)..... 20CA

MOTOR VEHICLES
All-terrain vehicles: interim study(Moore)..... 407LR
Bioptic lenses: interim study to adopt rules relating to the use of bioptic lenses for operation of a motor vehicle(Johanns, Schmit, Withem, Campbell)..... 393LR
Bumper height requirements for passenger cars and trucks: interim study(Withem)..... 379LR
Commercial Motor Vehicle Safety Act of 1986: interim study (Transportation Committee)..... 384LR
Driver safety education: interim study(Smith)..... 365LR
Historical and Special Interest Automobile Recognition Week, Nebraska: designate for the week of June 11-19, 1988(Abboud).... 304LR
Inspections: interim study of the feasibility of reinstating the annual motor vehicle inspection law(Beyer, Ashford, Wesely).. 360LR
Insurance and financial responsibility: interim study(Rogers, Lamb, Peterson, Remmers)..... 356LR
Interim study relating to motor vehicles(Transportation Committee) 383LR
Legislators: permit the issuance of traffic citations to legislators(Peterson)..... 251CA
Motor carrier registration fees: interim study (Transportation Committee)..... 385LR
Motorcycle Safety Awareness Days: designate for the month of May, 1988(Smith)..... 332LR
Registration, titling and licensure: interim study(Moore)..... 406LR

Sales taxes on motor vehicles: limit for highway construction (Hartnett)..... 20CA

MOTOR VEHICLES, DEPARTMENT OF
Interim study relating to the administration of the Departments of Roads, Motor Vehicles, and the Public Service Commission (Transportation Committee)..... 383LR

MOTORCYCLES
Driver safety education: interim study(Smith)..... 365LR
Motorcycle Safety Awareness Days: designate for the month of May, 1988(Smith)..... 332LR

MUNICIPALITIES
Annexation and extraterritorial jurisdiction statutes: interim study(Urban Affairs Committee)..... 352LR
Governmental competition with private enterprise: interim study(Urban Affairs Committee)..... 423LR
Programs and services, new: require Legislature to fund(Hefner).. 22CA
State and local government competition with private enterprise: interim study(Baack, Abboud)..... 402LR
Utilities: conduct interim study relating to municipal ownership and operation of utilities(Urban Affairs Committee)..... 286LR

MUSEUMS
Fonda, Henry: express appreciation to the Fonda family for Mr. Fonda's promotion of the Stuhr Museum during his lifetime (Nelson)..... 323LR

NATIVE AMERICANS (See also Indians)
Ponca Tribe: recognize former members as duly state recognized Indians and support federal restoration of the tribe(Johanns, Nelson, Remmers, Labedz, Hefner, Conway, Schmit, Baack, Weihing, Marsh)..... 428LR
Unknown Indian Day: encourage observance on May 19, 1988(Johanns, Schmit, Weihing, Remmers)..... 429LR

NATURAL RESOURCES (See also Ground Water; Conservation)
Aquaculture: interim study(R. Johnson, Bernard-Stevens, Hefner, Miller, Barrett, Coordsen, Elmer, Chambers)..... 372LR
Ground water and other natural resources: interim study (Natural Resources Committee)..... 415LR
Rivers and streams: interim study to identify rivers and streams for protection and preservation purposes(R. Johnson)..... 399LR
Soil and water conservation: interim study (Natural Resources Committee)..... 413LR
Swan Creek Watershed Project: encourage Congress to appropriate funds and increase funding for all unfinished watershed projects (Coordsen, Morehead)..... 280LR
Two Forks Dam project: encourage protection of the Platte River by alerting officials to the potential damage due to Two Forks (Wesely)..... 441LR

NATUROPATHIC MEDICINE
Interim study(Beyer)..... 358LR

NEBRASKA CITY, NEBRASKA
Declare as home of the official Arbor Day celebration(Wehrbein)... 378LR

NEGLIGENCE (See also Liability)
Immunity from civil liability: interim study(Chizek, Conway)..... 381LR
Oakland-Craig School District: request the State Treasurer to provide a loan due to liability for tort claims (Education Committee, Abboud, Korshoj, Remmers)..... 263LR

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Radioactive waste disposal: interim study relating to liability and financial issues(Schellpeper, Scofield)..... 417LR

NEWMAN GROVE, NEBRASKA
Anniversary: recognize for 100th(Peterson)..... 274LR

NOGL, JOHN
Congratulate for Rhodes Scholarship award and other academic accomplishments(Goodrich)..... 318LR

NUCLEAR WASTE (See also Hazardous Waste; Waste)
Low-level radioactive waste: interim study relating to transportation, storage and disposal (Natural Resources Committee)..... 411LR
Radioactive waste disposal: interim study relating to liability and financial issues(Schellpeper, Scofield)..... 417LR
Storage, transportation, management and disposal of waste products and materials: interim study (Natural Resources Committee)..... 414LR

NURSING (See also Health Care)
Interim study on nursing education and assistance(Nelson, Schellpeper)..... 369LR
School nurses: interim study of the minimum training and education needed(Morehead)..... 394LR

OMAHA
Central High School production of Roadshow 1988-A Stage Odyssey: congratulate participants(Beyer, Higgins, Goodrich, Withem)..... 294LR
Central High School: congratulate for Academic Decathlon state championship(Pirsch, Higgins, Ashford)..... 302LR
Creighton Prep for Class A state football title: congratulate (Abboud, Hartnett)..... 255LR
Millard South High School boys for Class A state basketball title: congratulate(Abboud, Beyer, Chizek)..... 326LR
Sokol South Omaha: congratulate for 100 years of service(Hall)... 440LR
Vikingship Community Center and the Little Vikes Auxilliary: congratulate for their contributions to the community(Lynch)..... 273LR
Westside High School girls for Class A state swimming title: congratulate(Goodrich, Hannibal, Ashford)..... 312LR

ORD, NEBRASKA
High School girls for Class B state basketball title: congratulate(Rogers)..... 313LR

ORR, GOVERNOR KAY A.
Honor her contributions to the state and the nation(49 Senators).. 300LR

OXFORD, NEBRASKA
High School girls for Class C-2 state basketball title: congratulate(Elmer)..... 314LR

OZONE
Interim study of Nebraska's role in the protection of the ozone layer(Health and Human Services Committee)..... 434LR

PAYNE, JACK
Express appreciation for his contributions to local and regional sports(Abboud)..... 293LR

PETITIONS (See also Voters and Voting)
Initiative and referendum: change signature requirements from electors to registered voters(Hall, Chambers)..... 248CA

Recall: permit recall of all elected officeholders(Peterson, Hefner)..... 257CA

PETROLEUM PRODUCTS (See also Fuels; Minerals, Oil, and Natural Gas)
Energy overcharge: request Governor to delay disbursement of funds until procedures and policies are established(Warner, Hartnett, L. Johnson)..... 1LR
Energy usage issues: interim study(Natural Resources Committee).. 416LR
Taxes: limit for highway construction and repair(Hartnett)..... 20CA

PLUMBING
Codes: interim study to establish penalties for standard code violations(Withem, Hartnett)..... 376LR
Interim study to create a statewide plumbing code (Urban Affairs Committee)..... 370LR

POLITICAL SUBDIVISIONS
Governmental competition with private enterprise: interim study(Urban Affairs Committee)..... 423LR
Municipal annexation and extraterritorial jurisdiction statutes: interim study(Urban Affairs Committee)..... 352LR
Oakland-Craig School District: request the State Treasurer to provide a loan due to liability for tort claims (Education Committee, Abboud, Korshoj, Remmers)..... 263LR
Programs and services, new: require Legislature to fund(Hefner).. 22CA
State and local government competition with private enterprise: interim study(Baack, Abboud)..... 402LR
Utilities: conduct interim study relating to municipal ownership and operation of utilities(Urban Affairs Committee)..... 286LR

POLITICAL SUBDIVISIONS TORT CLAIMS ACT
Oakland-Craig School District: request the State Treasurer to provide a loan due to liability for tort claims (Education Committee, Abboud, Korshoj, Remmers)..... 263LR

POLLUTION
Storage, transportation, management and disposal of waste products and materials: interim study (Natural Resources Committee)..... 414LR

PORNOGRAPHY
Interim study of federal and state laws(Moore)..... 408LR

POSTSECONDARY EDUCATION (See also Universities and Colleges)
Chadron State College: approve the resolution by the Nebraska State Colleges Board of Trustees to construct a student union (Appropriations Comm.)..... 287LR
Coyne, Professor Dermot P.: congratulate for his contributions as a scholar, teacher, and research scientist(Johanns)..... 338LR
Financial aid: interim study(Withem)..... 390LR
Fuller, Professor Robert G.: congratulate for his scholastic contributions to the field of physics(Marsh)..... 307LR
Hastings College Men's basketball team: congratulate for earning a berth in the NAIA tournament(Smith)..... 333LR
Howard, William: congratulate for Hertz Fellowship and other academic awards(Goodrich, L. Johnson)..... 319LR
Kruse, Phil: acknowledge the service, knowledge and expertise Mr. Kruse has contributed to the State(Higgins)..... 281LR
McCormick, John: congratulate for his athletic and scholastic accomplishments at the University of Nebraska-Lincoln(Withem, Hartnett)..... 259LR
Nogl, John: congratulate for Rhodes Scholarship award and other academic accomplishments(Goodrich)..... 318LR

LR

Superconducting Super Collider: support the Colorado site proposal and establish an experimental group to work at the site (Wesely, Scofield, Weihing, Baack, Haberman)..... 284LR
University of Nebraska and the Nebraska State Colleges: establish a single governing board(Withem)..... 268CA
University of Nebraska at Lincoln Department of History faculty: congratulate for scholastic achievements(Wesely)..... 303LR
University of Nebraska at Omaha: endorse "Celebrate UNO!" and encourage campus visitation on April 23rd and 24th(Hall)..... 438LR
University of Nebraska at Omaha: express gratitude for support of the Academic Decathlon(Pirsch, Higgins, Ashford)..... 302LR
University of Nebraska Board of Regents: place under the direction of the Legislature(Withem)..... 269CA
University of Nebraska Board of Regents: provide gubernatorial appointments(Withem)..... 247CA
University of Nebraska College of Architecture: congratulate for its service to rural communities(Landis, Remmers, Korshoj)... 424LR
University of Nebraska Medical Center Health Care Project: approve implementation(Labedz, Haberman, Withem, Lynch, Wesely, Hall, Ashford, Peterson, Schellpeper, Dierks, Goodrich, Marsh).. 266LR
University of Nebraska Medical Center: interim study(Goodrich)... 353LR
University of Nebraska: encourage development of shelled corn as a boiler fuel(Dierks, Hefner)..... 29LR
Welch, Susan: congratulate for her contributions as a scholar, teacher and author(Johanns)..... 339LR
Wesleyan University, Nebraska: congratulate for participation in the NCAA National Basketball Tournament(Wesely)..... 435LR
York College A Capella Chorus: commend for their dedication and participation in "Music In Our Schools Month"(Moore)..... 331LR

POUND, BILL

Extend appreciation for his address to the Nebraska Legislature relating to national trends in state legislatures(Barrett)..... 324LR

PRESIDENTS

Portraits of Washington and Lincoln: request their placement in the legislative chamber(Abboud, Peterson, Hefner)..... 418LR

PRIVATE INVESTIGATORS

Interim study(Beyer)..... 359LR

PROPERTY TAX (See also Revenue and Taxation)

Agricultural land: establish separate classification for tax purposes(R. Johnson, Lamb, Moore, Wehrbein)..... 249CA
County boards: authorize exemption of property taxes to stimulate economic development following voter approval(Abboud).. 5CA

PUBLIC ASSISTANCE

Hunger in Nebraska: interim study(Wesely)..... 364LR
Medical assistance: interim study relating to state fiscal responsibility for the medically indigent(Lynch)..... 401LR

PUBLIC POWER

Corn, shelled: encourage development of shelled corn as a boiler fuel in place of coal(Dierks, Hefner)..... 29LR
Energy usage issues: interim study(Natural Resources Committee).. 416LR
Municipal ownership and operation of utilities: interim study (Urban Affairs Committee)..... 286LR

PUBLIC SERVICE COMMISSION

Interim study relating to the administration of the Departments of Roads, Motor Vehicles, and the Public Service Commission (Transportation Committee)..... 383LR

RADER, BENJAMIN G.
University of Nebraska at Lincoln Department of History faculty: congratulate for scholastic achievements(Wesely)..... 303LR

RAILROADS (See also Transportation)
Branch rail line system: interim study(Transportation Committee). 386LR
Interim study relating to railroads and common carriers (Transportation Committee)..... 383LR
Railroad Revitalization and Regulatory Reform Act of 1976: urge Congress to amend(Revenue Committee, Bernard-Stevens, Warner, Scofield)..... 320LR

RANCHING
Agricultural land: establish separate classification for tax purposes(R. Johnson, Lamb, Moore, Wehrbein)..... 249CA
Cattle marketing: interim study(R. Johnson, Bernard-Stevens, Wehrbein, Warner, Miller, Hefner, Coordsen, Morehead, Chambers). 373LR
Corporate farming: change restrictions(Baack, Weihing)..... 271CA
Corporate farming: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Corporate farming: repeal restrictions(Baack, Weihing)..... 270CA
Corporate farming: support withdrawal of legislation relating to Initiative 300 and encourage interpretation by courts(Baack, V. Johnson, Weihing, Schmit, Moore, R. Johnson, Conway)..... 277LR
Diesel fuel tax: encourage Congress to exempt agriculture from diesel fuel tax requirements(Coordsen, Warner, Bernard-Stevens, Rogers, Elmer, Schellpeper, Campbell, Scofield, Wehrbein)..... 283LR
Horse racing: authorize interstate and intrastate simulcasting and expanded wagering at certain licensed tracks(V. Johnson)..... 15CA
Initiative 300: support the withdrawal of legislation and encourage interpretation by courts(Baack, V. Johnson, Weihing, Schmit, Moore, R. Johnson, Conway)..... 277LR
Rural-Urban Renewal and Restoration: establish a Select Committee to analyze programs and practices(Hall, Coordsen, Hefner)..... 264LR

REAL PROPERTY
Agricultural land: establish separate classification for tax purposes(R. Johnson, Lamb, Moore, Wehrbein)..... 249CA
Home Builders of Lincoln Remodelors Council: commend for community service and national award for excellence(Landis)..... 282LR
Mahoney State Park, Eugene T.: approve gift of land from the Nebr. Game and Parks Foundation to the Game and Parks Commission (Wehrbein)..... 254LR
Property tax exemption to stimulate economic development: authorize county boards to initiate vote of electors(Abboud)..... 5CA
State boundary issues: interim study(Conway, Labedz)..... 357LR

REGLER, JERRY
Recognize for his service as an educator of the visually handicapped(Wehrbein)..... 377LR

RESEARCH AND DEVELOPMENT AUTHORITY
Interim study(Haberman)..... 350LR

REVENUE AND TAXATION
Agricultural land: establish separate classification for tax purposes(R. Johnson, Lamb, Moore, Wehrbein)..... 249CA
Comprehensive Tax Study Committee: analyze report submitted by Syracuse University relating to taxation in Nebraska (V. Johnson, L. Johnson, Hefner, Remmers, Warner, Scofield, Labedz)..... 427LR

LR

County boards: authorize to exempt property taxes to stimulate economic development following voter approval(Abboud)..... 5CA
Diesel fuel tax: encourage Congress to exempt agriculture from diesel fuel tax requirements(Coordsen, Warner, Bernard-Stevens, Rogers, Elmer, Schellpeper, Campbell, Scofield, Wehrbein)..... 283LR
Employment and Investment Growth Act: encourage state participation(33 Senators)..... 297LR
Highway construction: limit certain taxes(Hartnett)..... 20CA

ROADS (See also Highways)
All-terrain vehicles: interim study(Moore)..... 407LR
Highway construction and maintenance: interim study (Transportation Committee)..... 382LR
Highway construction: limit certain taxes(Hartnett)..... 20CA
Highways 26 and 92: designate as the TRAILS WEST PARKWAY(Weihing, Haberman, Baack)..... 420LR
Legislators: permit the issuance of traffic citations to legislators(Peterson)..... 251CA

ROADS, DEPARTMENT OF
Highway construction: limit certain taxes(Hartnett)..... 20CA
Interim study relating to the administration of the Departments of Roads, Motor Vehicles, and the Public Service Commission (Transportation Committee)..... 383LR

ROCK COUNTY, NEBRASKA
Anniversary: recognize for 100th(Lamb)..... 368LR

SALES AND INCOME TAX (See also Revenue and Taxation)
Comprehensive Tax Study Committee: analyze report submitted by Syracuse University relating to taxation in Nebraska (V. Johnson, L. Johnson, Hefner, Remmers, Warner, Scofield, Labedz)..... 427LR
Employment and Investment Growth Act: encourage state participation(33 Senators)..... 297LR

SALES AND USE TAX
Highway construction: limit certain taxes(Hartnett)..... 20CA

SCHOOLS (See also Education)
Academic Decathlon: commend participants and winners(Pirsch, Higgins, Ashford)..... 302LR
Accreditation standards: urge consideration of report relating to findings in LR 181 (1987) when implementing standards(Withem, Baack)..... 426LR
Asbestos inspections: encourage Congress to provide adequate funding for asbestos inspections of schools(Hefner)..... 279LR
Driver safety education: interim study(Smith)..... 365LR
Educational data and evaluation systems of the public schools: urge improvement(Withem, Baack)..... 426LR
Educational Progress, National Assessment of: urge consideration and investigation relating to state participation in(Withem, Baack)..... 426LR
Elementary and secondary school system data analysis systems: interim study(Withem)..... 389LR
Gifted children: interim study of educational programs(McFarland) 354LR
Imperial Elementary School: recognize for Nebraska Presidential Fitness Award(Haberman)..... 432LR
Oakland-Craig School District: request the State Treasurer to provide a loan due to liability for tort claims (Education Committee, Abboud, Korshoj, Remmers)..... 263LR
Opening dates: encourage adoption of post-Labor Day or September 1st opening dates(Bernard-Stevens, Schellpeper)..... 436LR

Quality of education in elementary and secondary schools: interim study(Moore)..... 405LR
Regler, Jerry: recognize for his service as an educator of the visually handicapped(Wehrbein)..... 377LR
Restructuring: interim study to encourage the internal restructuring of schools(Withem, Bernard-Stevens)..... 391LR
School reorganization: interim study(Withem)..... 346LR
State Board of Education: eliminate(Baack, Scofield, Morehead, Remmers, Moore, Bernard-Stevens, Withem)..... 265CA
State Code Agencies Education Association: urge cooperation to accept the terms of employment established by the Special Master (Withem)..... 335LR
State Department of Education: urge establishment of a separate evaluation and assessment division(Withem, Baack)..... 426LR
Student testing and assessments: urge implementation of a statewide system(Withem, Baack)..... 426LR
Teacher Recognition: proclaim March 1, 1988 as Teacher Recognition Day and congratulate 1988 schoolteachers of the year (Pirsch, L. Johnson)..... 299LR
Vocational Education Week: proclaim for the week of February 7th through the 13th, 1988(Barrett)..... 272LR

SCOTTS BLUFF COUNTY, NEBRASKA
Anniversary: recognize for 100th(Baack, Weihing)..... 342LR

SENIOR CITIZENS (See also Aged and Aging)
Caregivers for the elderly: interim study(Wesely)..... 396LR

SHICKLEY, NEBRASKA
Anniversary: recognize for 100th(Coordsen)..... 422LR

SIECK, HAROLD F.
Express sympathy to family(45 Senators)..... 421LR

SOCIAL SERVICES, DEPARTMENT OF
Foster care and placement in public and private institutions: interim study of the Dept. of Social Services referral process (Moore)..... 403LR

SOIL CONSERVATION
Interim study of agencies involved in soil and water conservation (Natural Resources Committee)..... 413LR

SPECIAL OLYMPICS
Lincoln: encourage Special Olympics International to select Lincoln as host city for the 1991 Summer Games(Dierks, R. Johnson, Rogers, Smith, Withem, Beyer, Chambers, McFarland).. 419LR

STATE EMPLOYEES
Industrial Relations and State Employees Collective Bargaining Acts: interim study(Business and Labor Committee)..... 343LR
State Code Agencies Education Association: urge cooperation to accept the terms of employment established by the Special Master (Withem)..... 335LR

STATE EMPLOYEES COLLECTIVE BARGAINING ACT
Industrial Relations and State Employees Collective Bargaining Acts: interim study(Business and Labor Committee)..... 343LR

STATE OFFICERS
Attorney General: request to delay disbursement of energy overcharge funds until procedure is established(Warner, Hartnett, L. Johnson)..... 1LR

LR

Constitutional offices: provide for vacancy(Chambers)..... 260CA
Elective offices: declare elective offices vacant following felony conviction of officeholders(Hefner)..... 246CA
Recall: permit recall of all elected officeholders(Peterson, Hefner)..... 257CA
State Treasurer: request loan to the Oakland-Craig School District due to liability for tort claims(Education Committee, Abboud, Korshoj, Remmers)..... 263LR

STATE TREASURER

Oakland-Craig School District: request the State Treasurer to provide a loan due to liability for tort claims (Education Committee, Abboud, Korshoj, Remmers)..... 263LR

SUPREME COURT

Bar Association, Nebraska State: interim study relating to membership and examination requirements(Chizek, Korshoj, Nelson, Chambers, Abboud, Conway, McFarland, Pirsch, Ashford, Hall)..... 380LR

SYRACUSE, NEBRASKA

Syracuse-Dunbar-Avoca School Eighth Grade Chorus: commend for its participation in "Music In Our Schools Month"(Wehrbein)..... 308LR

TANKS

Underground storage tanks: interim study to develop regulations to conform to federal law(Natural Resources Committee)..... 412LR

TEACHERS (See also Education)

State Code Agencies Education Association: urge cooperation to accept the terms of employment established by the Special Master (Withem)..... 335LR
Teacher Recognition: proclaim March 1, 1988 as Teacher Recognition Day and congratulate 1988 schoolteachers of the year (Pirsch, L. Johnson)..... 299LR

TELECOMMUNICATIONS

Interim study relating to the telecommunications industry (Transportation Committee)..... 383LR
Payne, Jack: express appreciation for his contributions to local and regional sports(Abboud)..... 293LR

TRANSPORTATION

Anhydrous ammonia: urge the Department of Transportation to not reclassify anhydrous ammonia as a poisonous gas(R. Johnson).. 285LR
Branch rail line system: interim study(Transportation Committee). 386LR
Bumper height requirements for passenger cars and trucks: interim study(Withem)..... 379LR
Commercial Motor Vehicle Safety Act of 1986: interim study (Transportation Committee)..... 384LR
Facilities and services, transportation: interim study (Transportation Committee, Scofield)..... 387LR
Interim study relating to several transportation issues (Transportation Committee)..... 383LR
Low-level radioactive waste: interim study relating to transportation, storage and disposal (Natural Resources Committee)..... 411LR
Motor carrier registration fees: interim study (Transportation Committee)..... 385LR
Railroad Revitalization and Regulatory Reform Act of 1976: urge Congress to amend(Revenue Committee, Bernard-Stevens, Warner, Scofield)..... 320LR

TRAVEL AND TOURISM

Highways 26 and 92: designate as the TRAILS WEST PARKWAY(Weihing, Haberman, Baack)..... 420LR

UNIFORM ANATOMICAL GIFT ACT
Uniform Organ Donor Card: encourage Nebraskans to sign and carry for the use of kidneys and other organs after death(Wesely)..... 298LR

UNIVERSITIES AND COLLEGES (See also Postsecondary Education)
Chadron State College: approve the resolution by the Nebraska State Colleges Board of Trustees to construct a student union (Appropriations Comm.)..... 287LR
Coyne, Professor Dermot P.: congratulate for his contributions as a scholar, teacher, and research scientist(Johanns)..... 338LR
Financial aid: interim study(Withem)..... 390LR
Fuller, Professor Robert G.: congratulate for his scholastic contributions to the field of physics(Marsh)..... 307LR
Hastings College Men's basketball team: congratulate for earning a berth in the NAIA tournament(Smith)..... 333LR
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University of Nebraska Board of Regents: provide gubernatorial appointments(Withem)..... 247CA
University of Nebraska College of Architecture: congratulate for its service to rural communities(Landis, Remmers, Korshoj)... 424LR
University of Nebraska Medical Center Health Care Project: approve implementation(Labedz, Haberman, Withem, Lynch, Wesely, Hall, Ashford, Peterson, Schellpeper, Dierks, Goodrich, Marsh).. 266LR
University of Nebraska Medical Center: interim study(Goodrich)... 353LR
University of Nebraska: encourage development of shelled corn as a boiler fuel(Dierks, Hefner)..... 29LR
Welch, Susan: congratulate for her contributions as a scholar, teacher and author(Johanns)..... 339LR
Wesleyan University, Nebraska: congratulate for participation in the NCAA National Basketball Tournament(Wesely)..... 435LR
York College A Capella Chorus: commend for their dedication and participation in "Music In Our Schools Month"(Moore)..... 331LR

VETERANS
Bosiljevac, Michael J.: express sympathy to family(Abboud, Withem, Hartnett)..... 278LR
POW-MIA flag: encourage the State Building Administrator and counties to fly the flag until the POW-MIA issue is resolved (Hefner)..... 262LR
Vietnam Women's Memorial Project: encourage support(Conway)..... 292LR

VICTIMS OF CRIME
Victim Rights Week: designate for the week of April 17-23, 1988 (Pirsch)..... 437LR

VOTERS AND VOTING (See also Elections)
Age requirements: change eligibility provisions relating to 18 year old electors(Hall, Chambers)..... 248CA
County boards: authorize exemption of property taxes to stimulate economic development following voter approval(Abboud).. 5CA
Initiative and referendum: change signature requirements from electors to registered voters(Hall, Chambers)..... 248CA
Recall: permit recall of all elected officeholders(Peterson, Hefner)..... 257CA
Voting eligibility: change(Pirsch, McFarland, Chambers, Ashford). 253CA

WAHOO, NEBRASKA
High School boys for Class B state basketball title: congratulate(Schmit)..... 334LR

WASHINGTON, GEORGE
Portrait: request its placement in the legislative chamber (Abboud, Peterson, Hefner)..... 418LR

WASTE (See also Hazardous Waste; Nuclear Waste)
Low-level radioactive waste: interim study relating to transportation, storage and disposal (Natural Resources Committee)..... 411LR
Radioactive waste disposal: interim study relating to liability and financial issues(Schellpeper, Scofield)..... 417LR
Storage, transportation, management and disposal of waste products and materials: interim study (Natural Resources Committee)..... 414LR

WATER (See also Natural Resources; Ground Water)
Aquaculture: interim study(R. Johnson, Bernard-Stevens, Hefner, Miller, Barrett, Coordsen, Elmer, Chambers)..... 372LR
Ground water and other natural resources: interim study (Natural Resources Committee)..... 415LR
Rivers and streams: interim study to identify rivers and streams for protection and preservation purposes(R. Johnson)..... 399LR
Soil and water conservation: interim study (Natural Resources Committee)..... 413LR
Swan Creek Watershed Project: encourage Congress to appropriate funds and increase funding for all unfinished watershed projects (Coordsen, Morehead)..... 280LR
Two Forks Dam project: encourage protection of the Platte River by alerting officials to the potential damage due to Two Forks (Wesely)..... 441LR

WEEDS
Noxious weeds: interim study(R. Johnson, Bernard-Stevens, Hefner, Miller, Morehead, Coordsen, Elmer, Chambers)..... 374LR

WELCH, SUSAN
Congratulate for her contributions as a scholar, teacher and author(Johanns)..... 339LR

WEST HOLT, NEBRASKA
Atkinson West Holt High School boys for Class C-1 state basketball title: congratulate(Dierks)..... 329LR

YORK, NEBRASKA
High School boys for Class B state wrestling title: congratulate (Moore)..... 290LR

ZONING
Municipal annexation and extraterritorial jurisdiction statutes: interim study(Urban Affairs Committee)..... 352LR